

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Joyce Hudson, an individual, and Shaun Hudson, an individual v.
Costco Wholesale Corporation, and Does 1 through 10, inclusive

Hudson v. Costco Wholesale Corporation, No. 2:24-cv-01728-TLN-CSK (E.D. Cal. Dec. 9, 2025) · No. 2:24-cv-01728-TLN-CSK · Decided December 10, 2025

SUMMARY

The United States District Court for the Eastern District of California granted Costco Wholesale Corporation’s motion for summary judgment in a premises-liability action arising from a slip-and-fall incident. The court held that Plaintiffs’ admissions that Costco lacked actual or constructive notice of the dangerous condition were conclusively binding under Federal Rule of Civil Procedure 36(b), defeating their personal-injury and loss-of-consortium claims.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Troy L. Nunley
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 10, 2025
DOCKET	2:24-cv-01728-TLN-CSK
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved for summary judgment on plaintiffs' premises-liability personal-injury and loss-of-consortium claims after removing the action from California state court based on diversity jurisdiction.
STANDARD OF REVIEW	Summary judgment is proper when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The nonmoving party must identify admissible evidence establishing a genuine and material factual dispute and may not rely solely on pleading denials. The court views evidence and reasonable inferences in favor of the nonmoving party, but does not draw unsupported inferences.
PRECEDENTIAL VALUE	unpublished district court decision

PARTIES

Joyce Hudson, Shaun Hudson v. Costco Wholesale Corporation, Does 1 through 10, inclusive

TOPICS

premises liability

summary judgment

personal injury

loss of consortium

civil procedure

PRACTICE AREAS

torts

premises liability

civil procedure

personal injury

loss of consortium

QUESTIONS PRESENTED

1. Whether Plaintiffs' admissions that Costco lacked actual or constructive notice of the dangerous condition conclusively established the absence of an essential element of their premises-liability claims.
2. Whether Plaintiffs' contradictory evidence concerning surveillance footage, the timing of the condition, and maintenance of the premises created a genuine dispute of material fact sufficient to defeat summary judgment.
3. Whether summary judgment should be entered against Plaintiffs' personal-injury and derivative loss-of-consortium claims.

HOLDINGS

1. Under Federal Rule of Civil Procedure 36(b), Plaintiffs' admissions that Costco lacked actual or constructive notice of the dangerous condition conclusively established that fact because the admissions had not been withdrawn or amended.
2. Summary judgment was warranted because Plaintiffs could not establish a genuine dispute concerning Costco's actual or constructive notice of the dangerous condition, an essential element of their premises-liability claims.
3. The loss-of-consortium claim was also subject to summary judgment because it is dependent on the injured spouse's personal-injury claim, which could not survive the absence of a triable notice issue.

KEY QUOTATIONS

“Under Rule 36(b) a party’s admission conclusively establishes a fact unless withdrawn. Admissions may serve as the basis for granting summary judgment.” (at 3)

“the “new provisions give an admission a conclusively binding effect” that is more like an “admission in pleadings or a stipulation drafted by counsel” than an “evidentiary admission of a party” which may be rebutted” (at 4)

“this evidence cannot create a triable issue of fact where Plaintiffs’ admissions are conclusive that Defendant did not have notice of the dangerous condition.” (at 4-5)

FACTUAL BACKGROUND

On May 21, 2022, Joyce Hudson slipped and fell on a wet substance while exiting Costco's warehouse in Vallejo, California. Plaintiffs did not know how long the dangerous condition had been present, although surveillance footage showed a Costco employee walking through the area at 3:44 p.m., approximately twenty-nine minutes before the incident. In responses to requests for admission, Plaintiffs conceded that Costco lacked actual or constructive notice of the dangerous condition and did not seek to withdraw or amend those admissions.

PROCEDURAL HISTORY

Plaintiffs filed suit in Solano County Superior Court on December 1, 2023. Defendant removed the action to the Eastern District of California on June 18, 2024. Defendant moved for summary judgment on June 27, 2025; the court granted the motion, directed the Clerk to enter judgment for Defendant, and ordered the case closed.

DISPOSITION

other

CASES CITED

- *Adickes v. S.H. Kress & Co.*, 398 U.S. 144, 157 (1986)
- *Celotex Corp. v. Catrett*, 477 U.S. 317, 322-24 (1986)
- *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 585-87 (1986)
- *First Nat'l Bank of Ariz. v. Cities Serv. Co.*, 391 U.S. 253, 288-89 (1968)
- *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248-52, 255 (1986)
- *SEC v. Seaboard Corp.*, 677 F.2d 1301, 1305-06 (9th Cir. 1982)
- *Richards v. Nielsen Freight Lines*, 602 F. Supp. 1224, 1244-45 (E.D. Cal. 1985), *aff'd*, 810 F.2d 898 (9th Cir. 1987)
- *Snead v. Metro. Prop. & Cas. Ins. Co.*, 237 F.3d 1080, 1090 (9th Cir. 2001)
- *Kesner v. Superior Court*, 1 Cal. 5th 1132, 1158 (2016)
- *Ortega v. Kmart Corp.*, 26 Cal. 4th 1200, 1206 (2001)
- *Conlon v. United States*, 474 F.3d 616, 621 (9th Cir. 2007)
- *Tillamook Country Smoker, Inc. v. Tillamook Cnty. Creamery Ass'n*, 465 F.3d 1102, 1111-12 (9th Cir. 2006)
- *LeFiell Mfg. Co. v. Superior Court*, 55 Cal. 4th 275, 284-85 (2012)