

U.S. DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

Eric Murdock v. Costco Wholesale Corporation et al.

Murdock v. Costco · No. EDCV 25-02200-MWF (MBKx) · Decided October 22, 2025

SUMMARY

The Central District of California granted Plaintiff Eric Murdock’s motion to remand his premises-liability and negligence action to San Bernardino County Superior Court. The court held that Defendant Edward Walton was not fraudulently joined because Plaintiff stated colorable claims against him as a Costco store manager. Walton’s California citizenship therefore defeated complete diversity, depriving the federal court of subject-matter jurisdiction.

CASE DETAILS

COURT	U.S. District Court for the Central District of California
WRITING FOR THE COURT	Michael W. Fitzgerald
JURISDICTION	U.S. District Court for the Central District of California
DECIDED	October 22, 2025
DOCKET	EDCV 25-02200-MWF (MBKx)
DISPOSITION	remanded
PROCEDURAL POSTURE	Plaintiff moved to remand a removed premises-liability and negligence action to California state court, arguing that the nondiverse individual defendant was not fraudulently joined.
STANDARD OF REVIEW	On a fraudulent-joinder remand motion, the court may consider affidavits and other evidence, must resolve disputed facts and ambiguities in controlling state law in the plaintiff's favor, and applies the strong presumption against removal jurisdiction and the heavy burden imposed on the removing defendant.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- subject matter jurisdiction
- civil procedure
- premises liability
- negligence

PRACTICE AREAS

- Civil procedure
- Diversity jurisdiction
- Removal and remand
- Premises liability
- Negligence

QUESTIONS PRESENTED

1. Whether Edward Walton was fraudulently joined as a nondiverse defendant so that his California citizenship could be disregarded for diversity-jurisdiction purposes.
2. Whether the allegations stated a colorable California negligence or premises-liability claim against Walton.
3. Whether the presence of Walton defeated complete diversity and required remand to state court.

HOLDINGS

1. Walton was not a sham or fraudulently joined defendant because Plaintiff had at least a non-fanciful possibility of stating negligence and premises-liability claims against him under California law.
2. Plaintiff stated colorable claims against Walton because the allegations plausibly connected his managerial control of the premises to a duty to maintain safe conditions and to the alleged injury.
3. Complete diversity did not exist because Plaintiff and Walton were both California citizens, and Walton's citizenship could not be disregarded as a fraudulently joined defendant.

KEY QUOTATIONS

“A removing defendant must “prove that individuals joined in the action cannot be liable on any theory.””

“Because “there is a possibility that a state court would find that the complaint states a cause of action against” Walton — i.e., that it would not sustain a demurrer as to Walton without leave to amend — the Court therefore “must find that the joinder was proper and remand the case.””

FACTUAL BACKGROUND

Plaintiff alleged that he slipped on a wet floor at a Costco warehouse and suffered physical injuries. He sued Costco and Edward Walton, the general manager of the warehouse, alleging negligence and premises liability based on alleged responsibility for maintenance, inspections, warnings, repairs, safety procedures, and employee supervision. Costco relied on Walton's declaration that he was absent on the incident date and did not participate in safety inspection, but the court found that the evidence did not conclusively eliminate the possibility that his broader control of the store contributed to the unsafe condition.

PROCEDURAL HISTORY

Plaintiff filed the action against Costco Wholesale Corporation and Edward Walton in the San Bernardino County Superior Court. Costco removed the action to federal court on diversity grounds, asserting that Walton, a California defendant, was fraudulently joined. The district court granted Plaintiff's motion to remand because Walton was not shown to be a sham defendant and his presence defeated complete diversity.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The action was remanded to the Superior Court of the State of California for the County of San Bernardino.

CASES CITED

- *Caterpillar Inc. v. Lewis*, 519 U.S. 61, 67–68 (1996)
- *Hunter v. Philip Morris USA*, 582 F.3d 1039, 1043, 1046 (9th Cir. 2009)
- *Hamilton Materials, Inc. v. Dow Chem. Co.*, 494 F.3d 1203, 1206 (9th Cir. 2007)
- *Ritchey v. Upjohn Drug Co.*, 139 F.3d 1313, 1318 (9th Cir. 1998)
- *Reynolds v. The Boeing Co.*, CV 15-2846-SVW (ASx), 2015 WL 4573009, at *2 (C.D. Cal. July 28, 2015)
- *Calero v. Unisys Corp.*, 271 F. Supp. 2d 1172, 1176 (N.D. Cal. 2003)
- *Smith v. Allstate Ins. Co.*, 2010 WL 2510117, at *3 (N.D. Cal. June 17, 2010)
- *Macey v. Allstate Prop. & Cas. Ins. Co.*, 220 F. Supp. 2d 1116, 1118 (N.D. Cal. 2002)
- *Kesner v. Superior Court*, 1 Cal. 5th 1132, 1158 (2016)
- *Colonial Van & Storage, Inc. v. Super. Ct.*, 76 Cal. App. 5th 487, 497, 291 Cal. Rptr. 3d 581 (2022)
- *Thomas v. WalMart Stores, Inc.*, Case No. CV 18-03422-RSWL (SKx), 2018 WL 3046967, at *4 (C.D. Cal. June 19, 2018)
- *Berryhill v. Costco Wholesale Corp.*, Case No. CV 23-00315-WBS, 2023 WL 3302869, at *2–3 (E.D. Cal. May 8, 2023)
- *Gallegos v. Costco Wholesale Corp.*, Case No. CV 20-3250-DMG (GJSx), 2020 WL 2945514, at *3 & n.3 (C.D. Cal. 2020)
- *Nieves v. Costco Wholesale Corp.*, Case No. CV 22-00977-JD, 2022 WL 5199904, at *2–3 (N.D. Cal. Oct. 5, 2022)
- *Webber v. Home Depot U.S.A., Inc.*, Case No. CV 24-01886-WBS, 2024 WL 4765315, at *2 (E.D. Cal. Nov. 13, 2024)
- *Grancare, LLC v. Thrower by and through Mills*, 889 F.3d 543, 550 (9th Cir. 2018)