

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

John Roe MN 70 v. Doe 1

Case No. 24-cv-07652-MMC (N.D. Cal. Mar. 3, 2025) · No. 24-cv-07652-MMC · Decided March 3, 2025

SUMMARY

The United States District Court for the Northern District of California granted plaintiff's motion to remand a removed action involving claims arising from alleged childhood sexual assault. The court held that 28 U.S.C. § 1441(b)(1) required disregarding the citizenship of defendants sued under fictitious names, leaving defendants unable to establish diversity jurisdiction. The court remanded the action to the Superior Court of California for Alameda County and vacated the hearing.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Maxine M. Chesney
JURISDICTION	United States District Court for the Northern District of California
DECIDED	March 3, 2025
DOCKET	24-cv-07652-MMC
DISPOSITION	remanded
PROCEDURAL POSTURE	Plaintiff moved to remand an action removed from California state court on diversity-jurisdiction grounds. The district court granted the motion and remanded the action.
STANDARD OF REVIEW	Removal statutes are strictly construed, and doubts concerning the right of removal are resolved in favor of remand. The removing defendants bore the burden of establishing federal subject matter jurisdiction.
PRECEDENTIAL VALUE	Unknown; district court order

TOPICS

- subject matter jurisdiction
- civil procedure
- statutory interpretation
- plain meaning rule

PRACTICE AREAS

- civil procedure
- removal and remand
- subject matter jurisdiction
- diversity jurisdiction

QUESTIONS PRESENTED

1. Whether 28 U.S.C. § 1441(b)(1) requires the court to disregard the citizenship of defendants sued under fictitious names when the defendants' actual identities are allegedly known.
2. Whether diversity jurisdiction existed where all defendants in the complaint were designated by Doe names and the removing defendants had not established diversity after disregarding those defendants' citizenship.

HOLDINGS

1. Section 1441(b)(1) requires the court to disregard the citizenship of defendants sued under fictitious names, even when the defendants contend that their actual identities are known or that the defendants are not literally fictitious.
2. The district court lacked established diversity subject matter jurisdiction because, after disregarding the citizenship of all defendants sued under fictitious names, the removing defendants had not shown complete diversity.

KEY QUOTATIONS

“§ 1441(b)(1) does not require a court to disregard the citizenship of "fictitious defendants," but, rather, to disregard the citizenship of "defendants sued under fictitious names," which is precisely how all defendants are designated in the Complaint.” (at 3)

“Accordingly, as defendants have not, at least at this time, established diversity jurisdiction, the motion to remand is hereby GRANTED, and the above-titled action is hereby REMANDED to the Superior Court of the State of California, in and for the County of Alameda.” (at 3-4)

FACTUAL BACKGROUND

Plaintiff alleged California residency, an age over forty, and claims arising from childhood sexual assault and related misconduct by an individual identified as Perpetrator Godfrey. The complaint named three religious-entity defendants as Doe defendants, identified their principal business addresses, and asserted California-law causes of action. Doe 1 and Doe 2 removed the action while acknowledging that they had not yet received or been formally served with the complaint.

PROCEDURAL HISTORY

Plaintiff filed the complaint in California state court on August 26, 2024. Doe 1 and Doe 2 removed the action to federal court on November 4, 2024, asserting diversity jurisdiction and arguing that Doe 3 had been fraudulently joined. The district court concluded that the citizenship of all defendants sued under fictitious names had to be disregarded under 28 U.S.C. § 1441(b)(1), found that diversity jurisdiction had not been established, and remanded the action to the Superior Court of California for Alameda County.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The action was remanded to the Superior Court of the State of California, in and for the County of Alameda.

CASES CITED

- Casola v. Dexcom, Inc., 98 F.4th 947, 954 (9th Cir. 2024)
- Roe MG 60 v. Doe 1, 2025 WL 472291, at *2 (N.D. Cal. Feb. 11, 2025)
- Roe JB 84 v. Doe 1, 2025 WL 360356, at *1 (N.D. Cal. Jan. 31, 2025)
- Geppert v. Doe 1, 2023 WL 5804156, at *3 (N.D. Cal. Sept. 7, 2023)
- Roe KL 66 v. Doe 1, 2024 WL 5264039, at *1 (N.D. Cal. Dec. 31, 2024)
- Roe DC 57 v. Doe 1, 2025 WL 484809, at *3 (C.D. Cal. Feb. 13, 2025)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/united-states-district-court-for-the-northern-district-of-california-united-states-district-court-fo/2025/john-roe-mn-70-v-doe-1-oqhzd8ps>