

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Austin v. Kemper Corporation

Austin · No. 25-cv-07194-JST; 25-cv-07367-JST · Decided September 16, 2025

SUMMARY

The United States District Court for the Northern District of California directed the Clerk to close Case No. 25-cv-07367 after Kemper stated that it no longer believed removal was proper. The Court terminated Plaintiff’s motion to consolidate that case with Case No. 25-cv-07194 as moot.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Jon S. Tigar
JURISDICTION	United States District Court for the Northern District of California
DECIDED	September 16, 2025
DOCKET	25-cv-07194-JST; 25-cv-07367-JST
DISPOSITION	other
PROCEDURAL POSTURE	In one federal action, the plaintiff moved to consolidate this action with a second action involving the same parties. In the second action, the court determined that removal was improper after the defendant stated that it no longer believed removal was proper.
PRECEDENTIAL VALUE	Unknown

TOPICS

- subject matter jurisdiction
- civil procedure
- insurance

PRACTICE AREAS

- Civil procedure
- Insurance

QUESTIONS PRESENTED

1. Whether Case No. 25-cv-07367 should remain open after the defendant stated that removal was improper.

2. Whether the plaintiff's motion to consolidate should remain pending after Case No. 25-cv-07367 was closed.

HOLDINGS

1. Because Kemper no longer believed that removal was proper, the court ordered the Clerk to close Case No. 25-cv-07367 as having been improperly removed.
2. The court terminated Austin's motion to consolidate as moot because Case No. 25-cv-07367 had been closed.

KEY QUOTATIONS

“The Clerk is therefore directed to close Case No. 25-cv-07367 as having been improperly removed.” (at 1)

“Because Case No. 25-cv-07367 has now been closed, the Court terminates Austin’s motion as moot.” (at 1)

FACTUAL BACKGROUND

Kemper removed Case No. 25-cv-07367 to federal court. After the court questioned whether removal was proper, Kemper stated that it no longer believed removal was proper. George Jarvis Austin had filed a motion to consolidate that action with Case No. 25-cv-07194.

PROCEDURAL HISTORY

The court had directed Kemper to provide authority supporting removal of Case No. 25-cv-07367 or state that it no longer believed removal was proper. Kemper stated that it no longer believed removal was proper, and the court directed the Clerk to close that case. Because the second case was closed, the court terminated Austin's motion to consolidate in Case No. 25-cv-07194 as moot.

DISPOSITION

other

CASES CITED

- Allstate Ins. Co. v. Superior Court, 132 Cal. App. 3d 670 (1982)

OPINION

Austin v. Kemper Corporation (Insurance)

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 GEORGE JARVIS AUSTIN, Case No. 25-cv-07194-JST 8 Plaintiff, ORDER CLOSING
CASE NO. 25-cv-

07367 AND TERMINATING MOTION

9 v. IN CASE NO. 25-cv-07194

10 KEMPER CORPORATION, Re: ECF No. 34

Defendant. 11 12 GEORGE JARVIS AUSTIN, Case No. 25-cv-07367-JST 13 Plaintiff, 14 v.

15 KEMPER CORPORATION

(INSURANCE),

16 Defendant. 17

18 19 In Case No. 25-cv-07367, the Court ordered Defendant Kemper Insurance Corporation to 20
“file either (1) a brief that sets forth authority for concluding that the case was remanded and 21
therefore subject to removal or (2) a statement that it no longer believes that removal was proper.”

22 No. 25-cv-07367, ECF No. 20 at 1. Kemper has now filed a response stating that it “no longer
23 believes that removal was proper. See Allstate Ins. Co. v. Superior Court, 132 Cal. App. 3d 670
24 (1982) (dismissal of federal action without remand terminates the action, leaving the state court
25 without jurisdiction to resume proceedings).” No. 25-cv-07367, ECF No. 22 at 1. The Clerk is
26 therefore directed to close Case No. 25-cv-07367 as having been improperly removed. 27 In
Case No. 25-cv-07194, Plaintiff George Jarvis Austin has filed a motion to consolidate

1 No. 25-cv-07194, ECF No. 34. Because Case No. 25-cv-07367 has now been closed, the Court
2 terminates Austin’s motion as moot. 3 IT IS SO ORDERED. 4 Dated: September 16, 2025 . es 5
JON S. TIG

6 United States District Judge 7 8 9 10 ll a 12 13 14 15 16 € = 17 Zz 18 19 20 21 22 23 24 25 26
27 28