

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Espinoza v. Target Corporation

Espinoza · No. 25-cv-05634-LB · Decided August 21, 2025

SUMMARY

The United States District Court for the Northern District of California denied Sharon Espinoza’s motion to remand her negligence and premises-liability action against Target Corporation. The court held that the initial complaint and amended complaint did not provide unequivocally clear notice that the case was removable based on diversity jurisdiction because the pleadings alleged residence but did not establish citizenship or domicile at the time of filing. Removal was timely because Target removed within thirty days after receiving interrogatory responses establishing that Espinoza had lived in San Francisco since 1976.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Laurel Beeler
JURISDICTION	United States District Court for the Northern District of California
DECIDED	August 21, 2025
DOCKET	25-cv-05634-LB
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to remand a removed diversity action to state court and sought attorney fees. The district court denied the motion.
STANDARD OF REVIEW	The removing party bears the burden of establishing federal jurisdiction, and removal statutes are strictly construed, with doubts resolved against federal jurisdiction.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

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

PRACTICE AREAS

- civil procedure
- premises liability
- negligence

QUESTIONS PRESENTED

1. Whether the initial complaint or amended complaint provided unequivocally clear and certain notice that the action was removable on diversity-jurisdiction grounds.
2. Whether a prelitigation demand containing the plaintiff's San Francisco address constituted 'other paper' triggering the second thirty-day removal period under 28 U.S.C. § 1446(b)(3).
3. Whether Target timely removed the action within thirty days after receiving the plaintiff's interrogatory response establishing information relevant to her domicile.

HOLDINGS

1. The initial complaint did not trigger the first thirty-day removal period because it did not specify the plaintiff's residence or otherwise provide clear notice of complete diversity.
2. The prelitigation demand did not trigger the second thirty-day removal period because it was sent before the initial pleading and therefore was not 'other paper' under 28 U.S.C. § 1446(b)(3).
3. The amended complaint did not provide unequivocally clear and certain notice of removability because its present-tense allegation that Espinoza resided in San Francisco did not establish her citizenship or domicile when the lawsuit was filed.
4. The interrogatory response constituted qualifying information from which removability could first be ascertained, and Target timely removed the action within thirty days after receiving it.

KEY QUOTATIONS

“Sections 1446(b)(1) and (3) are bright-line rules requiring information to be “unequivocally clear and certain” to support removability.” (Analysis)

“Residency alone does not establish citizenship or domicile for diversity purposes.” (Analysis)

“The court denies the motion to remand.” (Conclusion)

FACTUAL BACKGROUND

Espinoza was injured after slipping at a Target store in San Francisco on January 13, 2023. She sued Target for negligence and premises liability in state court on October 15, 2024. Her initial complaint did not allege her residence; her amended complaint alleged in the present tense that she resided in San Francisco. In response to Target's interrogatory, she stated on June 17, 2025, that she had lived at her San Francisco address since 1976, after which Target removed the case.

PROCEDURAL HISTORY

Sharon Espinoza filed a negligence and premises-liability action against Target Corporation in California state court on October 15, 2024. She filed an amended complaint on March 24, 2025. Target removed the action on July 3, 2025, within thirty days after receiving Espinoza's interrogatory response stating that she had lived at her San Francisco address since 1976. The district court denied Espinoza's motion to remand, concluding that the removal clock was triggered by the interrogatory response rather than the earlier complaint, amended complaint, or prelitigation demand.

DISPOSITION

other

CASES CITED

- Caterpillar Inc. v. Williams, 482 U.S. 386, 392 (1987)
- Caterpillar Inc. v. Lewis, 519 U.S. 61, 68 (1996)
- Kokkonen v. Guardian Life Ins. Co. of Am., 511 U.S. 375, 377 (1994)
- Ethridge v. Harbor House Rest., 861 F.2d 1389, 1393 (9th Cir. 1988)
- Harris v. Bankers Life & Cas. Co., 425 F.3d 689, 694 (9th Cir. 2005)
- Roth v. CHA Hollywood Med. Ctr., L.P., 720 F.3d 1121, 1125-26 (9th Cir. 2013)
- Barakat v. Costco Wholesale Corp., No. 20-cv-02248-JCS, 2020 WL 3635933, at *4 (N.D. Cal. July 6, 2020)
- Bosky v. Kroger Texas, LP, 288 F.3d 208, 211 (5th Cir. 2002)
- Nguyen v. Sam's W., Inc., No. 2:15-CV-00649-JAD, 2015 WL 5092689, at *3 (D. Nev. Aug. 27, 2015)
- Carvalho v. Equifax Info. Servs., LLC, 629 F.3d 876, 886 (9th Cir. 2010)
- Svoboda v. Deutsche Bank Secs., Inc., No. C-10-01788-JCS, 2010 WL [locator incomplete in source]
- Dietrich v. Boeing Co., 14 F.4th 1089, 1095 (9th Cir. 2021)
- Estrada v. Nissan N. Am., Inc., No. 25-cv-00783-SK, 2025 WL 842173, at *3 (N.D. Cal. Mar. 18, 2025)
- Kantor v. Wellesley Galleries, Ltd., 704 F.2d 1088, 1090 (9th Cir. 1983)
- Kanter v. Warner-Lambert Co., 265 F.3d 853, 857-58 (9th Cir. 2001)
- Grupo Dataflux v. Atlas Glob. Grp., 541 U.S. 567, 570-71 (2004)