UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF MISSISSIPPI

Reeder v. The Kroger Co.; The Coca-Cola Company; and John Does 1-10

Reeder · No. 3:25-CV-98-DMB-JMV · Decided January 6, 2026

SUMMARY

The United States District Court for the Northern District of Mississippi denied Amy Catherine Reeder's motion to remand her negligence action to state court. The court held that Kroger's timely, separately filed notice of removal constituted written consent to Coca-Cola's removal and satisfied the rule of unanimity.

CASE DETAILS

COURT	United States District Court for the Northern District of Mississippi
WRITING FOR THE COURT	Debra M. Brown
JURISDICTION	United States District Court for the Northern District of Mississippi
DECIDED	January 6, 2026
DOCKET	3:25-CV-98-DMB-JMV
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to remand a removed diversity action to Mississippi state court, arguing that Coca-Cola's removal was defective because Kroger did not join or consent to it.
STANDARD OF REVIEW	The party seeking removal bears the burden of showing that federal jurisdiction exists and that removal was proper.
PRECEDENTIAL VALUE	unknown
PARTIES	Amy Catherine Reeder v. The Kroger Co., The Coca-Cola Company, John Does 1-10

TOPICS

civil procedure · subject matter jurisdiction · negligence · personal injury

PRACTICE AREAS

civil procedure | removal and remand | diversity jurisdiction | personal injury negligence

QUESTIONS PRESENTED

1. Whether a codefendant's separate, timely filed notice of removal constitutes written consent to another codefendant's removal for purposes of the federal rule of unanimity.
2. Whether the case should be remanded because Kroger did not sign or separately file a joinder or consent to Coca-Cola's notice of removal in the same case.

HOLDINGS

1. A codefendant satisfies the rule of unanimity by filing its own separate notice of removal within thirty days after service, because that filing is a timely, written, and express indication of consent to removal.
2. Remand was not warranted because Kroger timely consented to Coca-Cola's removal by filing its separate notice of removal within thirty days of service.

KEY QUOTATIONS

> *"To satisfy the rule of unanimity, a codefendant can join in a removal petition either by signing the original petition for removal or by timely filing written consent to the removal."* (at 3)

> *"Consent to removal "simply requires that there be 'some timely filed written indication from each served defendant, or from some person or entity purporting to formally act on its behalf in this respect and to have the authority to do so, that it has actually consented to such action.'""* (at 3)

> *"Kroger's separate removal notice satisfies the rule of unanimity in this case because Kroger complied with the strict requirements of consent—it was timely, written, and filed in this district by Kroger itself."* (at 6)

FACTUAL BACKGROUND

Reeder alleged that she tripped and fell over a display of Coca-Cola products in a Kroger store in Oxford, Mississippi. She sued Kroger, Coca-Cola, and fictitious defendants for negligence in Mississippi state court. Both Kroger and Coca-Cola were served on February 26, 2025, and each filed a separate notice of removal within thirty days based on diversity jurisdiction.

PROCEDURAL HISTORY

Reeder filed a negligence action in the Circuit Court of Lafayette County, Mississippi. Coca-Cola removed the case to the Northern District of Mississippi on March 27, 2025, and Kroger filed a separate notice removing the same action the following day. Kroger later agreed to consolidate and withdraw its separate removal, and the related case was closed. Reeder then moved to remand, which the court denied.

DISPOSITION

other

CASES CITED

- Getty Oil Corp. v. Ins. Co. of N. Am., 841 F.2d 1254, 1258 n.11, 1262 (5th Cir. 1988)
- Scarlott v. Nissan N. Am., Inc., 771 F.3d 883, 887 (5th Cir. 2014)
- Mumfrey v. CVS Pharmacy, Inc., 719 F.3d 392, 397 (5th Cir. 2013)
- Powers v. United States, 783 F.3d 570, 576 (5th Cir. 2015)
- Gillis v. Louisiana, 294 F.3d 755, 759 (5th Cir. 2002)
- Riles v. Stevens Transp., Inc., 2006 WL 3843029, at *2-3 (W.D. La. Dec. 28, 2006)
- In Interest of N.L.P., 2017 WL 2426598, at *1 (E.D. Tex. June 5, 2017)
- Smith v. Union Nat. Life Ins. Co., 187 F. Supp. 2d 635, 645 (S.D. Miss. 2001)
- Albonetti v. GAF Corp.-Chem. Grp., 520 F. Supp. 825, 828 (S.D. Tex. 1981)
- Creekmore v. Food Lion, Inc., 797 F. Supp. 505, 508 (E.D. Va. 1992)
- State Farm Fire & Cas. Co. v. Dunn-Edwards Corp., 728 F. Supp. 2d 1273, 1275 (D.N.M. 2010)
- Brown v. Rite Aid Corp., 415 F. Supp. 3d 588, 591 (E.D. Pa. 2019)
- Ross v. Thousand Adventures of Iowa, Inc., 178 F. Supp. 2d 996, 999 (S.D. Iowa 2001)
- Ortiz v. Young, 431 F. App'x 306, 307-08 (5th Cir. 2011)
- Griffioen v. Cedar Rapids & Iowa City Ry. Co., 785 F.3d 1182, 1186-87 (8th Cir. 2015)
- Williams v. Equifax Info. Servs. LLC, 359 F. Supp. 2d 1284, 1286 (M.D. Fla. 2005)
- Spillers v. Tillman, 959 F. Supp. 364, 369 (S.D. Miss. 1997)
