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News

HOUSTON FEDERAL COURT REMANDS HARVEY CASE SUA SPONTE

Newsbrief

05 NOV 2018

In another recent improper joinder case, a Houston federal district court found plausible claims for relief alleged against the adjuster, and remanded the case. In *Murray v. Allstate Veh. & Prop. Ins. Co.*, No. CV H-18-3411, 2018 WL 5634949 (S.D. Tex. Oct. 30, 2018) (slip op.), what makes the remand noteworthy is that the plaintiff did not file a motion to remand. Rather, the court observed that even though the plaintiff had not moved to remand, it must still ensure its own subject-matter jurisdiction, even if it means remanding the case *sua sponte*. The court then went on to conduct a standard improper joinder analysis, and found that although the complaint closely tracked the language of the Insurance Code and the DTPA, it also alleged specific acts of the adjuster that were sufficient to state a facially plausible cause of action, and thus overcame the improper joinder threshold, defeating diversity jurisdiction.