

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 22 2022

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

JEFFREY M. JONES and SHANNON B.  
JONES, TRUSTEES OF THE JEFFREY &  
SHANNON JONES TRUST,

No. 22-15285

Plaintiffs-Appellants,

D.C. No. 4:21-cv-04172-DMR

v.

MEMORANDUM\*

STATE FARM GENERAL INSURANCE  
COMPANY,

Defendant-Appellee.

Appeal from the United States District Court  
for the Northern District of California  
Donna M. Ryu, Magistrate Judge, Presiding

Argued and Submitted November 14, 2022  
San Francisco, California

Before: McKEOWN and PAEZ, Circuit Judges, and MOLLOY,\*\* District Judge.

In 2017, landslides on property insured by State Farm General Insurance  
Company damaged the neighboring property, owned by Jeffrey and Shannon

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\* This disposition is not appropriate for publication and is not precedent  
except as provided by Ninth Circuit Rule 36-3.

\*\* The Honorable Donald W. Molloy, United States District Judge for the  
District of Montana, sitting by designation.

Jones. The Joneses sued State Farm, not under any provision of the State Farm policy, but alleging that State Farm was directly liable for nuisance, trespass, and negligence based on its post-slide management of the site. The district court dismissed the Joneses' complaint, finding that the Joneses failed to state a claim against State Farm because they alleged no affirmative action that fell outside "the scope of behavior which may be reasonably expected of insurers." *Teague v. Home Ins. Co.*, 168 Cal. App. 3d 1148, 1153 (1985). We have jurisdiction under 28 U.S.C. § 1291, and we reverse. Construing as true the Joneses' allegation that State Farm voluntarily controlled and tortiously managed the landslide site, *Teague* does not foreclose the Joneses' direct liability claims at this stage of the proceedings.

**REVERSED AND REMANDED.**