

citizens of Indiana, removal is seemingly improper pursuant to the “forum defendant” rule (also referred to as the “no-local-defendant” limitation in some jurisdictions) of 28 U.S.C. § 1441(b). Under this rule, a case is removable on the grounds of diversity jurisdiction “only if none of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought.” 28 U.S.C. § 1441(b); *see Hurley v. Motor Coach Indus., Inc.*, 222 F.3d 377, 378-80 (7th Cir. 2000); *Lashcon, Inc. v. Butler*, 340 F. Supp. 2d 932, 935 (C.D. Ill. 2004); *WRS Motion Picture & Video Lab. v. Post Modern Edit, Inc.*, 33 F. Supp. 2d 876, 877-78 (C.D. Cal. 1999); *see generally Spencer v. U.S. Dist. Court for the N. Dist. of Cal.*, 393 F.3d 867, 870 (9th Cir. 2004); *Korea Exch. Bank, N.Y. Branch v. Trackwise Sales Corp.*, 66 F.3d 46, 50 (3rd Cir. 1995); *Lamotte v. Roundy’s, Inc.*, 27 F.3d 314, 315-16 (7th Cir. 1994). As this case was removed from an Indiana state court by the Defendants on the grounds of diversity, but with Goertzen and Orthopaedics Northeast both purportedly citizens of Indiana, the removal was ostensibly in violation of Section 1441(b)’s “forum defendant” rule. *See* 28 U.S.C. § 1441(b); *Hurley*, 222 F.3d at 378-80; *Lashcon*, 340 F. Supp. 2d at 935; *WRS Motion Picture*, 33 F. Supp. 2d at 877-78.

Accordingly, if Chumley seeks to remand the case due to an alleged violation of the “forum defendant” rule, or if he seeks a remand on any other basis, he is to file a motion to remand with this Court on or before May 25, 2007.

SO ORDERED.

Enter for this 4th day of May, 2007.

/S/ Roger B. Cosby
Roger B. Cosby,
United States Magistrate Judge