

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, EASTERN DIVISION

KATHY BROWN,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.
v.)	3:10cv1089-MHT
)	(WO)
TANNER MEDICAL CENTER,)	
et al.,)	
)	
Defendants.)	

OPINION AND ORDER

This lawsuit, which was removed from state to federal court based on diversity-of-citizenship jurisdiction, 28 U.S.C. §§ 1332, 1441, is now before the court on plaintiff's motion to remand. The court agrees with plaintiff that this case should be remanded to state court. While removing defendant Tanner Medical Center, Inc., alleges in its amended notice of removal that defendant Tanner Health System is a "non-existent entity," the court cannot say that this factual allegation is so well-established that Tanner Health

System can be ignored as essentially fraudulently joined as a defendant, pretermittting the need to establish the State or States of its citizenship. See Coker v. Amoco Oil Co., 709 F.2d 1433, 1440 (11th Cir. 1983); Cabalceta v. Standard Fruit Co., 883 F.2d 1553, 1561 (11th Cir. 1989).

Accordingly, it is the ORDER, JUDGMENT, and DECREE of the court that plaintiff's motion to remand (Doc. No. 18) is granted and that, pursuant to 28 U.S.C. § 1447(c), this cause is remanded to the Circuit Court of Randolph County, Alabama.

It is further ORDERED that any and all other pending motions are left for disposition by the state court after remand.

The clerk of the court is DIRECTED to take appropriate steps to effect the remand.

DONE, this the 31st day of January, 2011.

 /s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE