

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

CRYSTAL HOLLAND

PLAINTIFF

v.

CASE NO. 4:10cv00235 BSM

**STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY and JOHN DOES**

1-3

DEFENDANTS

ORDER

Separate defendant State Farm Mutual Automobile Insurance Company (“State Farm”) removed this case from Lonoke County Circuit Court on April 9, 2010, citing diversity jurisdiction. [Doc. No.1]. Plaintiff Crystal Holland (“Holland”) moves to remand [Doc. No.8], and State Farm opposes [Doc. No. 12]. For good cause shown, the motion is granted.

Holland filed suit against State Farm and John Does 1-3, alleging defamation, conversion and outrage. She requests compensatory and punitive damages in an amount exceeding \$75,000. In its notice of removal, State Farm maintains that federal jurisdiction is proper because Holland seeks damages in excess of \$75,000 and there is a diversity of citizenship because Holland resides in Arkansas and State Farm is an Illinois corporation.

In her motion to remand, Holland asserts that there is not complete diversity among the parties because John Doe defendants 1-3 are residents of Arkansas. In her amended motion to remand, she states that, through discovery, she has learned the identity of at least two of the John Doe defendants. They are Marilyn Bramlett (“Bramlett”) and Keith Kerr

("Kerr"), both employees of State Farm and residents of Arkansas.

State Farm responds that the citizenship of the John Doe defendants should not affect diversity because they were fraudulently joined, or alternatively, are nominal defendants.

Holland's complaint shows that she has separate and distinct causes of action against the John Doe defendants. Therefore, the John Doe defendants were not fraudulently joined and are not nominal. Diversity of citizenship does not exist.

Accordingly, this case is remanded to the Lonoke County Circuit Court.

IT IS SO ORDERED this 16th day of February, 2011.


UNITED STATES DISTRICT JUDGE