

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>BARBARA J. BEILFUSS,</b>	)	
Plaintiff,	)	
	)	
v.	)	Case No. 14 C 6159
	)	
<b>FONTANA BUILDERS INC.; PULLMAN BANK &amp; TRUST COMPANY; unknown non-record claimant,</b>	)	
Defendants,	)	
_____	)	
	)	
<b>FIRST AMERICAN TITLE INSURANCE COMPANY,</b>	)	
Intervenor-Plaintiff,	)	
	)	
v.	)	
	)	
<b>KEVIN McNEAL, CHERITA LOGAN, SANKOFA, INC., BRUCE NASH &amp; BILL RANDLE,</b>	)	
Respondent-Defendants,	)	
_____	)	
	)	
<b>BILL RANDLE,</b>	)	
Defendant-Counter-Plaintiff,	)	
	)	
v.	)	
	)	
<b>ELSA THIELE FUCHES,</b>	)	
Defendant.	)	

**MEMORANDUM ORDER**

Bill Randle, Cherita Logan and Bruce Nash (collectively "Removing Defendants") have filed a Notice of Removal ("Notice") in this action, in which they are three of the five defendants targeted by intervenor-plaintiff First American Title Insurance Company ("First American"). Although their removal papers leave it unclear as to the relationship between the proceeding between First American and Removing Defendants and the underlying Cook County Circuit

Court lawsuit in which neither First American nor Removing Defendants were parties (and therefore as to whether Removing Defendants are indeed "defendants" entitled to seek removal under 28 U.S.C. § 1441(a)),<sup>1</sup> it is unnecessary to explore that subject -- unnecessary because Removing Defendants' own Notice demonstrates that federal jurisdiction is lacking.

Notice ¶ 6 purports to invoke federal jurisdiction on diversity-of-citizenship grounds. Yet Notice ¶ 8 identifies First American's principal place of business as located in Oak Park, Illinois (making it an Illinois citizen under Section 1332(c)(1)), while Notice ¶ 9 identifies Removing Defendant Bill Randle as also an Illinois citizen.

It has been crystal-clear for more than two centuries (see Strawbridge v. Curtiss, 7 U.S. (3 Cranch) 267 (1806)) that such common citizenship between any party on one side of the "v." and any party on the other side of that symbol defeats diversity. Moreover, if diversity were present, Section 1441(b)(2) would preclude removal in the diversity case because of defendant Randle's Illinois citizenship.

All of that being true, Section 1447(c) mandates the remand of this case to its place of origin in the Circuit Court of Cook County, and this Court so orders. To implement the remand and enable the parties to go forward with the litigation promptly, the Clerk of Court is ordered to mail the certified copy of the remand order to the Clerk of the Circuit Court forthwith.



---

Milton I. Shadur  
Senior United States District Judge

Date: August 14, 2014

---

<sup>1</sup> All further references to Title 28's provisions will simply take the form "Section --," omitting the prefatory "28 U.S.C. §."