

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

SMA, L.L.C.)	
)	
Plaintiff,)	
)	
vs.)	Case No. 17-CV-168-SMY-DGW
)	
SELECTIVE INSURANCE COMPANY)	
OF AMERICA and JOHN DOE,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

Pending before the Court is Plaintiff SMA L.L.C’s Motion to Remand (Doc. 9). For its motion, SMA asserts that Defendant Selective Insurance Company of America’s (“SICA”) removal is untimely. SICA filed a response (Doc. 16). For the following reasons, SMA’s motion is **DENIED**.

Background

On August 9, 2016, SMA filed suit in state court against SICA and a John Doe defendant alleging that Defendants negligently failed to inspect Plaintiff’s property for hail damage. SICA removed the matter asserting diversity jurisdiction pursuant to 28 U.S.C. § 1332. On November 10, 2016, this Court *sua sponte* remanded the case back to state court for lack of subject matter jurisdiction due to SICA’s failure to properly allege the citizenship of SMA’s members and the John Doe defendant (*see SMA, L.L.C. v. Selective Insurance Company of America et al.*, Case No. 16-1150, Doc. 11).

Following remand, SICA served jurisdictional discovery on SMA requesting the names and citizenship of each of the LLC's members and the identity of the John Doe defendant. On February 10, 2017, SMA responded to the jurisdictional discovery, stating that all members of the LLC are citizens of Illinois. SICA also confirmed with the John Doe defendant that he is a citizen of Missouri. As a result, SICA once again removed the matter to this court.

Discussion

A civil action may be removed to federal court if the district court has original jurisdiction. 28 U.S.C. § 1441. Courts have original jurisdiction of civil actions if there is complete diversity between the parties and the amount in controversy exceeds \$75,000, exclusive of interest and costs. Complete diversity means that "none of the parties on either side of the litigation may be a citizen of the state of which a party on the other side is a citizen." *Howell v. Tribune Entertainment Co.*, 106 F.3d 215, 217 (7th Cir. 1997) (citations omitted). SMA does not deny that the parties are diverse or that the amount in controversy exceeds the jurisdictional minimum. Rather, it contends that SICA's current removal occurred more than 30 days after SMA's receipt of the Complaint.

The removal statutes permit successive removals of an action, provided an adequate factual basis exists for a later removal. *See Benson v. SI Handling Systems, Inc.*, 188 F.3d 780, 782 (7th Cir. 1999). Specifically, 28 U.S.C. §1446(b) provides "if the case stated by the initial pleading is not removable, a notice of removal may be filed within thirty days after receipt by the defendant, through service or otherwise, of a copy of an amended pleading, motion, order or other paper from which it may first be ascertained that the case is one which is or has become removable." 28 U.S.C. §1446(b).

Here, SICA propounded jurisdictional discovery in order to ascertain the identities of SMA's members. Until it received SMA's responses, SICA was unclear who comprised the members of Plaintiff's LLC and the citizenship of those individuals. Within 30 days of receiving the relevant information, SICA removed the case to this court. Thus, the removal was timely. Accordingly, SMA's motion to remand is denied.

IT IS SO ORDERED.

DATED: July 25, 2017

s/ Staci M. Yandle
STACI M. YANDLE
United States District Judge