

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
EVANSVILLE DIVISION

ESTATE OF SANFORD WALLACE,	)	
DECEASED, BRIAN K. CARROLL,	)	
PERSONAL REPRESENTATIVE,	)	
Plaintiff,	)	
	)	
vs.	)	3:11-cv-95-RLY-WGH
	)	
SAMUEL L. ROUSE,	)	
SCHILLI LEASING, INC., and	)	
WABASH VALLEY	)	
TRANSPORTATION, INC.,	)	
Defendants.	)	

**ORDER ON PLAINTIFF’S MOTION TO REMAND**

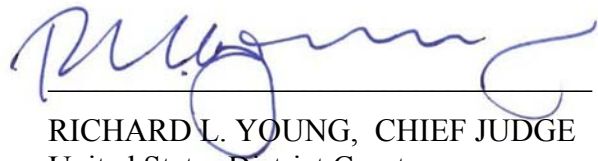
Plaintiff moves to remand the present case to the Vanderburgh Superior Court. The court, having reviewed the applicable legal authorities, now finds that the motion should be **GRANTED**.

Removal to federal court on the basis of diversity of citizenship is only proper if there is complete diversity of citizenship and none of the properly joined defendants is a citizen of the state in which the case is brought. 28 U.S.C. § 1441(b); *Hurley v Motor Coach Industries, Inc.*, 222 F.3d 377, 378 (7th Cir. 2000). Sometimes referred to as the “forum defendant rule,” 28 U.S.C. § 1441(b) explains that diversity cases “shall be removable 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.”

The record here indicates that Defendants Schilli Leasing, Inc., and Wabash Valley Transportation, Inc., are both Indiana corporations. (Notice of Removal of Civil Action ¶¶ 10-11). Therefore, removal to federal court was inappropriate.

**IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that Plaintiff's Motion to Remand is **GRANTED**. This case is **REMANDED** to the Vanderburgh Superior Court.

**SO ORDERED** the 28th day of December 2011.

A handwritten signature in blue ink, appearing to read 'R. Young', is written over a horizontal line.

RICHARD L. YOUNG, CHIEF JUDGE  
United States District Court  
Southern District of Indiana

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