

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION at LEXINGTON

BARBARA OLINGER, as Mother)
and Next Friend of "A", a)
Minor Child Under the Age) Civil Action No. 5:07-29-JMH
of 18 Years,)
)
Plaintiff,)

V.)

ORDER

CORPORATION OF THE PRESIDENT)
OF THE CHURCH OF JESUS CHRIST)
OF LATTER-DAY SAINTS, and,)
JASON STARKS,)
)
Defendants.)

** ** * * *

Before the Court is Plaintiff Barbara Olinger's motion to remand [Record No. 7]. Defendant Corporation of the President of the Church of Jesus Christ of Latter-day Saints ("COP") filed a response on March 12, 2007 [Record No. 10]. The time within which Plaintiff was permitted to file a reply pursuant to Local Rule 7.1(c) has passed, and this matter is ripe for review.

Plaintiff originally filed this action in Lee Circuit Court, naming as defendants The Church of Jesus Christ of Latter-day Saints ("The Church") and Jason Starks. COP asserted that it was the proper defendant, based on *Willis v. Davis*, 323 S.W.2d 847 (Ky. 1959), and removed the action to this Court on January 26, 2007. On March 23, 2007, Plaintiff moved to correct the defendant's name, substituting COP for The Church [Record No. 16]. This Court granted Plaintiff's motion to correct the defendant's name on March

27, 2007 [Record No. 20].

Since the plaintiff has corrected the defendant's name, the objections raised in her motion to remand are moot. For purposes of diversity jurisdiction, "a corporation shall be deemed to be a citizen of any State by which it has been incorporated and of the State where it has its principal place of business." 28 U.S.C. § 1332(c)(1). COP is incorporated by and has its principal place of business in Utah. Jason Stark is a resident of Ohio. Plaintiffs are Kentucky residents. The plaintiff has not disputed that more than \$75,000 is in controversy. Therefore, the Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332. Defendant COP appropriately removed this case pursuant to 28 U.S.C. § 1441 *et seq.*

Accordingly, **IT IS ORDERED** that Plaintiff's motion to remand [Record No. 7] be, and the same hereby is, **DENIED**.

This the 28th day of March, 2007.



Signed By:

Joseph M. Hood *JMH*

United States District Judge