

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY

AT LOUISVILLE

MARK CAPLINGER,

PLAINTIFF

v.

CIVIL ACTION NO. 3:14-CV-00537-CRS

ILLINOIS FARMERS INSURANCE CO., et al.

DEFENDANTS

MEMORANDUM OPINION

The plaintiff, Mark Caplinger, asks this Court to remand to Jefferson Circuit Court. For the reason below, the Court will deny Caplinger's motion to remand.

Caplinger argues that remand is proper because he has established domicile in Kentucky, which destroys complete diversity. Mot. Remand ¶ 11. Illinois Farmers Insurance Company ("Farmers") argues that remand is improper because complete diversity existed at the time of removal. Def.'s Resp. Mot. Remand 4.

When a defendant removes an action based on diversity, the Court must determine whether complete diversity existed at the time of removal. *Coyne v. American Tobacco Co.*, 183 F.3d 488, 493 (6th Cir. 1999).

At the time of removal, Caplinger was a citizen of Texas, Farmers was a citizen of Illinois, and defendant Ledonte M. Herriford was a citizen of Kentucky. Notice of Removal 1 – 2 ECF No. 1. Caplinger does not dispute whether he was a citizen of Texas at the time of removal, but he says now, "Since removal, Plaintiff has moved and established domicile in Kentucky." Mot. Remand ¶ 11. It is clear that complete diversity existed at the time of removal, and Farmers properly removed to this Court. See *Coyne*, 183 F.3d at 493.

Therefore, the Court will deny Caplinger's motion to remand. The Court will issue an order in accordance with this opinion.

October 30, 2015

A handwritten signature in black ink, appearing to read 'CS III', is written over a faint circular seal. The seal contains the text 'UNITED STATES DISTRICT COURT' and 'SOUTH DISTRICT OF MISSISSIPPI'.

**Charles R. Simpson III, Senior Judge
United States District Court**