

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Carl L. Schubitzke,

Plaintiff,

v.

COUNTRY Mutual Insurance Company,

Defendant,

Civil No. 11-3574 (JNE/LIB)  
ORDER

v.

Edward Schubitzke,

Third-Party Defendant.

After COUNTRY Mutual Insurance Company denied his claim for insurance benefits under a homeowners' insurance policy, Carl Schubitzke brought this action against it in state court. COUNTRY Mutual Insurance removed the action from state court on the basis of diversity jurisdiction. *See* 28 U.S.C. §§ 1332(a)(1), 1441(a) (2006) (amended 2011). Arguing that complete diversity of citizenship did not exist, Carl Schubitzke moved to remand the action. He premised his motion on the assertion that COUNTRY Mutual Insurance "is an unincorporated mutual insurance company organized in the State of Illinois, which is owned and controlled by its policyholders or members, which are located in multiple states, including the State of Minnesota." Opposing the motion to remand, COUNTRY Mutual Insurance submitted exhibits revealing that it is incorporated in Illinois and has its principal place of business in Illinois. "If the Court is satisfied of its jurisdiction upon review of such materials," Carl Schubitzke replied, "[he] is willing to waive oral argument on the motion with the consent of the Court and move forward with pretrial scheduling matters." The Court is satisfied that COUNTRY Mutual Insurance is a citizen of Illinois. *See* 28 U.S.C. § 1332(c)(1); *Pastor v. State*

*Farm Mut. Auto. Ins. Co.*, 487 F.3d 1042, 1048 (7th Cir. 2007). Accordingly, the Court denies Carl Schubitzke's motion.

Based on the files, records, and proceedings herein, and for the reasons stated above, IT IS ORDERED THAT:

1. Carl Schubitzke's motion to remand [Docket No. 4] is DENIED.
2. The hearing of Carl Schubitzke's motion to remand on February 16, 2012, is CANCELLED.

Dated: February 15, 2012

s/ Joan N. Ericksen  
JOAN N. ERICKSEN  
United States District Judge