

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Adrian Ayer,)	CASE NO. 1:15CV 237
)	
Plaintiff,)	
)	
v.)	JUDGE DONALD C. NUGENT
)	
State Farm Fire & Casualty Co., <i>et al.</i> ,)	<u>MEMORANDUM OPINION</u>
)	<u>AND ORDER</u>
Defendant.)	


This matter is before the Court on Defendant B & D Restoration Incorporated's ("B&D") Motion to Remand. (ECF # 27). This action was originally brought against a single Defendant, State Farm Fire & Casualty Co. ("State Farm"), in state court. State Farm removed the action to federal court on the basis of diversity. Since that time, Plaintiff filed an Amended Complaint adding Defendant, B&D. B&D argues that their addition destroyed complete diversity.¹ Although they do not say so, they imply that B&D as well as both Plaintiffs are citizens of Ohio. Plaintiff's Amended Complaint does not assert any particular citizenship or attribute any citizenship to B&D.

¹

Since B&D's filing of its Motion to Remand, Plaintiff dismissed its claims against State Farm with prejudice.

Federal courts have subject matter jurisdiction where there is a complete diversity of citizenship between the parties. 28 U.S.C. §1447(c). Because Plaintiff does not assert that B&D is a diverse defendant, and has not contested the Motion to Remand, the Court finds that there is no showing that complete diversity existed at the time the Amended Complaint was filed. Therefore, this Court has no subject-matter jurisdiction to hear the Plaintiff's claims.

For these reasons, this Court hereby finds that it lacks subject-matter jurisdiction over this case, and remand is warranted. This case is, therefore, remanded to the Cuyahoga County Common Pleas Court.. IT IS SO ORDERED.



DONALD C. NUGENT
United States District Judge

DATED: September 15, 2015