

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

SEAN MORRISON ENTERTAINMENT, LLC,

Plaintiff,

v.

O'FLAHERTY HEIM EGAN & BIRNBAUM, LTD.,
NICHOLAS D. THOMPSON, HEATHER CLARK,
ANGELA HAYES, BARB HONCHAK,
ANGELA MAGANA, MICHELLE OULD,
PATRICIA VIDONIC and KAITLAN YOUNG,

Defendants.

ORDER

13-cv-753-bbc

In an order dated November 7, 2013, dkt. #5, I directed plaintiff Sean Morrison Entertainment, LLC, to show cause why this case should not be dismissed for lack of subject matter jurisdiction. The problem was that plaintiff alleged that both it and defendant Barb Honchak are citizens of Illinois, but it was relying for subject matter jurisdiction on 28 U.S.C. § 1332, which requires a showing that all of the plaintiffs are citizens of different states from the defendants. Hart v. FedEx Ground Package Systems, Inc., 457 F.3d 675, 676 (7th Cir. 2006).

In response to the order, plaintiff has moved to dismiss the complaint as to defendant Honchak. Dkt. #8. Because a plaintiff may dismiss a nondiverse defendant in order to preserve jurisdiction, Singletary v. Continental Illinois Nationa Bank & Trust Co. of

Chicago, 9 F.3d 1236, 1238 (7th Cir. 1993), I will grant plaintiff's request and allow the case to proceed.

ORDER

IT IS ORDERED that plaintiff Sean Morrison Entertainment, LLC's motion to dismiss the complaint as to defendant Barb Honchak, dkt. #8, is GRANTED.

Entered this 27th day of November, 2013.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge