

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

CANDICE GRIGSBY,)
ANN GRIGSBY-BALLARD,)
)
Plaintiffs,)
)
vs.) No. 1:14-cv-01956-JMS-DKL
)
)
JOHN DOE, ONE,)
STATE FARM MUTUAL AUTOMOBILE)
INSURANCE COMPANY,)
)
Defendants.)

ENTRY

On March 16, 2015, the Court held an evidentiary hearing regarding the propriety of its diversity jurisdiction over this action. Plaintiffs were represented by counsel Bryan Maximino. Defendant State Farm Mutual Automobile Insurance Company (“State Farm”) was represented by counsel John Drummy and Eric Sanders. The Court Reporter was Jean Knepley.

The Court first heard argument from State Farm, since it bears the burden of proof as the proponent of jurisdiction. State Farm proffered Exhibit A—a January 2014 demand letter from Plaintiffs—which was admitted without objection by Plaintiffs. The Court then heard argument from Plaintiffs, followed by reply argument from State Farm.

After considering the parties’ jurisdictional filings, combined with the argument and evidence presented at the hearing, the Court finds that at the time of removal, State Farm made a plausible, good-faith estimate that the amount in controversy in this matter exceeded \$75,000, exclusive of interest and costs. *See [Oshana v. Coca-Cola Co.](#), 472 F.3d 506, 511 (7th Cir. 2006).* Additionally, although “John Doe” defendants are typically not allowed in federal diversity suits, “naming a John Doe defendant will not defeat the named defendants’ right to remove a diversity

case if their citizenship is diverse from that of the plaintiffs.” [Howell v Tribune Entertainment Co.](#), 106 F.3d 215, 218 (7th Cir. 1997) (citing [28 U.S.C. § 1441\(a\)](#)) (emphasis added). Thus, the Court finds it proper to exercise diversity jurisdiction over Plaintiff Candice Grigsby’s claims and supplemental jurisdiction over Plaintiff Ann Grigsby-Ballard’s claims at this time. The Court cautioned the parties, however, that if Defendant John Doe is later identified as an Indiana citizen, the Court would be required to remand this matter to state court at that time.

March 16, 2015

A handwritten signature in black ink that reads "Jane Magnus-Stinson". The signature is written in a cursive style and is positioned above a horizontal line.

Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana

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