

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
OHIO, WESTERN DIVISION AT DAYTON

Shawn Foster v. Springfield ALF, LLC et al.

Foster · No. 3:25-cv-418 · Decided January 29, 2026

SUMMARY

The United States District Court for the Southern District of Ohio granted the plaintiff’s motion to remand a personal injury action to the Court of Common Pleas of Clark County, Ohio. The court held that complete diversity was lacking because the decedent, whose citizenship governed the estate representative’s citizenship, and the defendants were all citizens of Ohio.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio, Western Division at Dayton
WRITING FOR THE COURT	Thomas M. Rose
JURISDICTION	United States District Court for the Southern District of Ohio, Western Division at Dayton
DECIDED	January 29, 2026
DOCKET	3:25-cv-418
DISPOSITION	remanded
PROCEDURAL POSTURE	Plaintiff moved to remand a removed personal-injury action for lack of subject matter jurisdiction based on incomplete diversity. Defendants consented to remand.
STANDARD OF REVIEW	The removing party bears the burden of establishing federal subject matter jurisdiction. Removal is proper only when the federal district courts have original jurisdiction, including complete diversity of citizenship and an amount in controversy exceeding \$75,000.
PRECEDENTIAL VALUE	Unknown; district court remand order with no reporter citation.
PARTIES	Shawn Foster v. Springfield ALF, LLC, Angel Anthony

TOPICS

- subject matter jurisdiction
- civil procedure
- personal injury

PRACTICE AREAS

civil procedure

personal injury

QUESTIONS PRESENTED

1. Whether the federal court had diversity subject matter jurisdiction over an action brought by an estate representative when the decedent and defendants were all citizens of Ohio.
2. Whether the action should be remanded to the Ohio Court of Common Pleas for lack of complete diversity.

HOLDINGS

1. Complete diversity did not exist because the estate representative is deemed to be a citizen of the same state as the decedent under 28 U.S.C. § 1332(c)(2), and the decedent was an Ohio citizen while the defendants were also Ohio citizens.
2. The motion to remand was granted, and the case was remanded to the Court of Common Pleas of Clark County, Ohio because the federal court lacked subject matter jurisdiction.

KEY QUOTATIONS

“Federal courts are courts of limited jurisdiction.” (Standard of Review)

“The burden of establishing jurisdiction falls on the removing party.” (Standard of Review)

FACTUAL BACKGROUND

Judith A. Foster allegedly sustained injuries when an unsecured wheelchair tipped over while she was riding in a medical transport van owned and operated by Defendants. She later died for reasons unrelated to the case, while domiciled in Ohio. Shawn Foster, a Wisconsin resident, sued as executor of her estate; Springfield ALF, LLC and Angel Anthony were Ohio citizens.

PROCEDURAL HISTORY

Plaintiff brought the action as executor of Judith A. Foster's estate in the Court of Common Pleas of Clark County, Ohio. Defendants removed the case to the Southern District of Ohio under diversity jurisdiction. The district court granted Plaintiff's motion to remand, remanded the case to the state court, and terminated the federal case.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The case is remanded to the Court of Common Pleas of Clark County, Ohio. The federal case is terminated on the district court's docket.

CASES CITED

- Kokkonen v. Guardian Life Insurance Co. of America, 511 U.S. 375, 377 (1994)
- Home Depot U.S.A., Inc. v. Jackson, 587 U.S. 435, 437 (2019)
- Insurance Corp. of Ireland v. Compagnie des Bauxites de Guinee, 456 U.S. 694, 701 (1982)
- Eastman v. Marine Mechanical Corp., 438 F.3d 544, 549 (6th Cir.)
- Naji v. Lincoln, 665 F. App'x 397, 400 (6th Cir.)
- Varsity Brands, Inc. v. Star Athletica, LLC, 799 F.3d 468, 494 (6th Cir. 2015)
- Star Athletica, L.L.C. v. Varsity Brands, Inc., 580 U.S. 405 (2017)

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