

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
ILLINOIS, SPRINGFIELD DIVISION

Kayla A. Griffiths v. Walmart, Inc. et al.

Griffitts · No. 25-cv-3231 · Decided March 4, 2026

SUMMARY

The United States District Court for the Central District of Illinois considers motions to dismiss nondiverse defendants based on fraudulent joinder. The court concludes that Lauren N. Maschoff and Tabitha L. Resler could not be liable under Illinois negligence or premises-liability law because they did not work at the Walmart store during the relevant time and were not alleged to have breached an independent duty to the plaintiff. The motions are granted, Counts II, IV, V, and VI are dismissed, and Maschoff and Resler are dismissed as parties under Federal Rule of Civil Procedure 21.

CASE DETAILS

COURT	United States District Court for the Central District of Illinois, Springfield Division
WRITING FOR THE COURT	Colleen R. Lawless
JURISDICTION	United States District Court for the Central District of Illinois, Springfield Division
DECIDED	March 4, 2026
DOCKET	25-cv-3231
DISPOSITION	dismissed
PROCEDURAL POSTURE	After Defendants removed the action based on diversity jurisdiction, nondiverse individual defendants Lauren N. Maschoff and Tabitha L. Resler moved to dismiss the claims against them as fraudulently joined parties.
STANDARD OF REVIEW	On fraudulent joinder, the court resolves all issues of fact and law in the plaintiff's favor and asks whether the plaintiff has any reasonable possibility of establishing a cause of action against the nondiverse defendant.
PRECEDENTIAL VALUE	unpublished

TOPICS

- subject matter jurisdiction
- motions to dismiss
- premises liability
- negligence
- civil procedure

PRACTICE AREAS

civil procedure

premises liability

negligence

diversity jurisdiction

QUESTIONS PRESENTED

1. Whether Maschoff and Resler were fraudulently joined nondiverse defendants such that the court could dismiss them under Federal Rule of Civil Procedure 21 and retain diversity jurisdiction.
2. Whether Griffiths pleaded a reasonable possibility of prevailing on premises-liability or general-negligence claims against Maschoff and Resler under Illinois law.
3. Whether the court retained subject-matter jurisdiction after dismissing the nondiverse defendants.

HOLDINGS

1. A nondiverse defendant is fraudulently joined when, after resolving factual and legal issues in the plaintiff's favor, the plaintiff has no reasonable possibility of establishing a cause of action against that defendant. Because Griffiths had no reasonable possibility of recovery against Maschoff or Resler, both were fraudulently joined and could be dismissed under Rule 21, allowing the court to retain diversity jurisdiction.
2. An employee or agent may be liable in tort to a third party only for breaching an independent duty owed to that third party; breach of a duty owed solely to the principal does not independently establish tort liability.

KEY QUOTATIONS

“A removing defendant must show that, after resolving all issues of fact and law in favor of the plaintiff, the plaintiff cannot establish a cause of action against the in-state defendant[s].” (at 2)

“Defendants Maschoff and Resler are hereby dismissed, and the Court retains its subject matter jurisdiction over the case under 28 U.S.C. § 1332(a).” (at 4)

FACTUAL BACKGROUND

Kayla Griffiths alleged that she suffered severe injuries after slipping and falling on water or another liquid on the floor of a Walmart store. She alleged that Lauren N. Maschoff and Tabitha L. Resler were Walmart managing employees responsible for her injuries under premises-liability and general-negligence theories. Affidavits established that neither individual was employed at the Walmart store or had employment duties there at the time of the incident, and the complaint did not allege that either was an active tortfeasor or owed Griffiths an independent duty.

PROCEDURAL HISTORY

Plaintiff brought premises-liability and negligence claims arising from a slip-and-fall at a Walmart store. Defendants removed the action to federal court on diversity grounds, despite Plaintiff, Maschoff, and Resler all being Illinois citizens. Maschoff and Resler moved under the fraudulent-joinder doctrine for dismissal, and the

court granted both motions, dismissed Counts II, IV, V, and VI, dismissed Maschoff and Resler as parties under Rule 21, and retained subject-matter jurisdiction over the action against Walmart.

DISPOSITION

dismissed

CASES CITED

- Morris v. Nuzzo, 718 F.3d 660, 666 (7th Cir. 2013)
- Schur v. L.A. Weight Loss Ctrs., Inc., 577 F.3d 752, 764, 766 (7th Cir. 2009)
- Bovan v. Am. Family Life Ins. Co., 386 Ill. App. 3d 933, 942 (1st Dist. 2008)
- Hutson v. Pate, 2022 IL App (4th) 210696, at *39, *43-44
- Faucett v. Ingersoll-Rand Mining & Machinery Co., 960 F.2d 653, 655 (7th Cir. 1992)
- Brady, 2017 U.S. Dist. LEXIS 6616, at *4-6
- Roh v. Starbucks Corp., No. 13 C 8865, 2015 U.S. Dist. LEXIS 5754, at *2-3 (N.D. Ill. Jan. 14, 2015)
- Likens v. Menard, Inc., No. 15 C 2959, 2015 U.S. Dist. LEXIS 83647, at *9-10 (N.D. Ill. June 26, 2015)

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