

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Angel Russell, et al. v. Darian Patrick O’Brien, et al.

No. CV-26-01549-PHX-KML · No. No. CV-26-01549-PHX-KML · Decided March 6, 2026

SUMMARY

The United States District Court for the District of Arizona orders Domino’s Pizza, LLC to supplement its notice of removal by identifying the citizenship of all parties and explaining the relevance of snap removal. The court emphasizes that an unserved forum defendant does not cure a potential lack of complete diversity and sets a March 12, 2026 deadline for the supplement, along with standard case-management requirements.

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	Krissa M. Lanham
JURISDICTION	United States District Court for the District of Arizona
DECIDED	March 6, 2026
DOCKET	No. CV-26-01549-PHX-KML
DISPOSITION	other
PROCEDURAL POSTURE	Defendant Domino’s Pizza, LLC removed a state-court personal-injury action based on asserted diversity jurisdiction and alleged that snap removal was permissible because defendant Darian Patrick O’Brien had not been served. The district court ordered Domino’s to supplement the notice of removal by identifying the citizenship of all parties and explaining the relevance of snap removal.
PRECEDENTIAL VALUE	unpublished district-court order; precedential status unknown

TOPICS

- subject matter jurisdiction
- civil procedure
- service of process
- negligence
- personal injury

PRACTICE AREAS

- civil procedure
- removal jurisdiction
- diversity jurisdiction
- personal injury torts

QUESTIONS PRESENTED

1. Whether the notice of removal adequately established the citizenship of all parties for purposes of diversity jurisdiction.
2. Whether Domino's citizenship as a limited liability company could be established by identifying its state of organization and principal place of business rather than the citizenship of its members.
3. Whether snap removal could cure a lack of complete diversity or otherwise permit removal when an alleged in-state defendant and an alleged in-state plaintiff shared Arizona citizenship.
4. What supplemental information Domino's was required to provide concerning federal subject-matter jurisdiction.

HOLDINGS

1. Alleging that parties are residents of Arizona is insufficient to establish diversity jurisdiction; the removing party must identify the citizenship of the plaintiffs and defendant O'Brien.
2. Domino's must identify the citizenship of each of its members, tracing the citizenship through any intervening entities until reaching natural persons or corporations.
3. Snap removal does not cure the absence of complete diversity or permit removal of an action that could not originally have been filed in federal court.
4. The notice of removal did not establish federal jurisdiction, and Domino's was required to file a supplement identifying the citizenship of each party and explaining how snap removal could be relevant.

KEY QUOTATIONS

"But the diversity jurisdiction statute, 28 U.S.C. § 1332, speaks of citizenship, not of residency." (at 2)

"Only state-court actions that originally could have been filed in federal court may be removed to federal court by the defendant." (at 4)

"The forum defendant rule and snap removals are irrelevant in this situation." (at 5)

FACTUAL BACKGROUND

According to the complaint, Darian O'Brien was driving for Domino's Pizza, LLC when his vehicle struck and killed Dwayne Omar Harvey. Harvey's statutory beneficiaries sued O'Brien and Domino's in state court, alleging negligence. Domino's was served before removal, but O'Brien had not yet been served. Domino's removed on the asserted basis of diversity jurisdiction and invoked snap removal.

PROCEDURAL HISTORY

Plaintiffs filed a negligence action in Arizona state court against O'Brien and Domino's after O'Brien allegedly struck and killed Dwayne Omar Harvey while driving in the course and scope of his employment. Domino's was served on February 3, 2026, while O'Brien had not been served. Domino's removed the action on March 4, 2026. The district court determined that the notice of removal did not establish federal jurisdiction and ordered a jurisdictional supplement due March 12, 2026.

DISPOSITION

other

CASES CITED

- Kanter v. Warner-Lambert Co., 265 F.3d 853, 857 (9th Cir. 2001)
- Johnson v. Columbia Properties Anchorage, LP, 437 F.3d 894, 899 (9th Cir. 2006)
- City of E. St. Louis, Illinois v. Netflix, Inc., 83 F.4th 1066, 1070 (7th Cir. 2023)
- Casola v. Dexcom, Inc., 98 F.4th 947, 950, 954, 963-64 (9th Cir. 2024)
- Atl. Nat. Tr. LLC v. Mt. Hawley Ins. Co., 621 F.3d 931, 939 (9th Cir. 2010)
- Texas Brine Co., L.L.C. v. Am. Arb. Ass’n, Inc., 955 F.3d 482, 485 (5th Cir. 2020)
- Caterpillar Inc. v. Williams, 482 U.S. 386, 392 (1987)
- In re Levy, 52 F.4th 244, 247 (5th Cir. 2022)
- M & B Oil, Inc. v. Federated Mut. Ins. Co., 66 F.4th 1106, 1109 (8th Cir. 2023)
- Rao v. J.P. Morgan Chase Bank, N.A., 153 F.4th 541, 549 (7th Cir. 2025)
- Stone v. Omnicell, Inc., No. 25-CV-05229-SVK, 2026 WL 266243, at *8 (N.D. Cal. Feb. 2, 2026)
- Ctr. for Auto Safety v. Chrysler Grp., LLC, 809 F.3d 1092, 1101 (9th Cir. 2016)
- Kamakana v. City & County of Honolulu, 447 F.3d 1172, 1178 (9th Cir. 2006)