

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
GEORGIA, ATLANTA DIVISION

William Ayala v. QuikTrip Corporation and Mikayla Jordan

Civil Action No. 1:24-cv-05290-SDG (N.D. Ga. Mar. 31, 2026) · No. 1:24-cv-05290-SDG · Decided March 31, 2026

SUMMARY

The United States District Court for the Northern District of Georgia granted Mikayla Jordan’s motion to dismiss and QuikTrip Corporation’s motion for summary judgment in William Ayala’s premises-liability action. The court found Jordan was fraudulently joined and dismissed the claims against her without prejudice. It granted QuikTrip summary judgment because Ayala failed to present evidence that the third-party criminal assault was reasonably foreseeable, and dismissed the claims against QuikTrip with prejudice.

CASE DETAILS

COURT	United States District Court for the Northern District of Georgia, Atlanta Division
WRITING FOR THE COURT	Steven D. Grimberg
JURISDICTION	United States District Court for the Northern District of Georgia, Atlanta Division
DECIDED	March 31, 2026
DOCKET	1:24-cv-05290-SDG
DISPOSITION	other
PROCEDURAL POSTURE	Defendant Mikayla Jordan moved to dismiss for insufficient service and fraudulent joinder, and defendant QuikTrip Corporation moved for summary judgment. The court granted both motions, dismissed the claims against Jordan without prejudice, dismissed the claims against QuikTrip with prejudice, entered judgment, and closed the case.
STANDARD OF REVIEW	For fraudulent joinder, the removing party bears the burden of proving by clear and convincing evidence that there is no possibility of establishing a cause of action against the nondiverse defendant or that jurisdictional facts were fraudulently pleaded. The court evaluates the pleadings at removal together with submitted affidavits and deposition testimony, views factual allegations in the plaintiff's favor, and resolves legal uncertainties in the plaintiff's favor, while considering

	undisputed evidence outside the pleadings. Summary judgment is proper when no genuine dispute of material fact exists and the movant is entitled to judgment as a matter of law; the evidence and justifiable inferences are viewed in the nonmovant's favor.
PRECEDENTIAL VALUE	unpublished, nonprecedential district-court opinion
PARTIES	William Ayala v. QuikTrip Corporation, Mikayla Jordan

TOPICS

summary judgment

motions to dismiss

subject matter jurisdiction

premises liability

civil procedure

PRACTICE AREAS

civil procedure

premises liability

negligence

subject matter jurisdiction

summary judgment

QUESTIONS PRESENTED

1. Whether Jordan was fraudulently joined such that her citizenship could be disregarded for diversity jurisdiction.
2. Whether the court needed to address Jordan's alternative argument that she had not been served with process.
3. Whether QuikTrip was entitled to summary judgment on Ayala's negligence per se claim under O.C.G.A. §§ 51-1-2 and 51-3-1.
4. Whether QuikTrip was entitled to summary judgment on Ayala's premises-liability negligence claim because the third-party criminal attack was not reasonably foreseeable.

HOLDINGS

1. Jordan was fraudulently joined because Ayala could not possibly establish a premises-liability cause of action against her where undisputed evidence showed that she was neither the owner nor occupier of the store and was not working there when the incident occurred.
2. The court had diversity jurisdiction because, after disregarding the fraudulently joined defendant, complete diversity existed between Ayala and QuikTrip and the amount in controversy exceeded \$75,000.
3. QuikTrip was entitled to summary judgment on Ayala's negligence per se claim because O.C.G.A. §§ 51-1-2 and 51-3-1 do not create negligence per se liability; they describe common-law negligence liability.
4. QuikTrip was entitled to summary judgment on Ayala's premises-liability negligence claim because Ayala presented no competent evidence that the attack was reasonably foreseeable under the totality of the circumstances.

KEY QUOTATIONS

“Ultimately, because Ayala did not present competent evidence that the criminal act committed against him was “reasonably foreseeable” under “the totality of the circumstances”—or, for that matter, any evidence at all—summary judgment in favor of QT is appropriate.” (at 19)

“Ayala’s claims against Jordan are DISMISSED without prejudice on account of the Court’s finding that she was fraudulently joined. Ayala’s claims against QT are DISMISSED with prejudice.” (at 19)

FACTUAL BACKGROUND

In September 2023, Ayala was punched outside a QuikTrip store by an unidentified person shortly after both had been inside the store. Ayala was familiar with the area and considered it unsafe because of unhoused persons, persons experiencing mental-health episodes, and observed attempted thefts, but he identified no substantially similar prior violent incidents at the store. QuikTrip maintained surveillance cameras and security resources, and an employee called 911 before the assault. Jordan was not the store owner or manager, was not present during the incident, and had no responsibility for the store's operations, policies, repairs, or lease.

PROCEDURAL HISTORY

Ayala filed the action in the State Court of Clayton County, Georgia, against QuikTrip, Mikayla Jordan, and a John Doe defendant. QuikTrip and Jordan removed the case based on diversity jurisdiction, asserting that Jordan was fraudulently joined; Ayala did not move to remand. After discovery, Jordan moved to dismiss and QuikTrip moved for summary judgment. The court dismissed John Doe, dismissed the claims against Jordan without prejudice based on fraudulent joinder, granted summary judgment to QuikTrip, and directed the Clerk to close the case.

DISPOSITION

other

CASES CITED

- Richardson v. Johnson, 598 F.3d 734, 738 (11th Cir. 2010)
- Ramsey v. Board of Regents of University System of Georgia, 201 WL 1222492, at *29 (N.D. Ga. Jan. 30, 2013), aff’d, 543 F. App’x 966 (11th Cir. 2013)
- Pears v. Mobile County, 645 F. Supp. 2d 1062, 1082 (S.D. Ala. 2009)
- Triggs v. John Crump Toyota, Inc., 154 F.3d 1284, 1287 (11th Cir. 1998)
- Owen Equipment & Erection Co. v. Kroger, 437 U.S. 365, 373 (1978)
- Henderson v. Washington National Insurance Co., 454 F.3d 1278, 1281 (11th Cir. 2006)
- Stillwell v. Allstate Insurance Co., 663 F.3d 1329, 1332 (11th Cir. 2011)
- Crowe v. Coleman, 113 F.3d 1536, 1538 (11th Cir. 1997)
- Pacheco de Perez v. AT&T Co., 139 F.3d 1368, 1380 (11th Cir. 1998)
- Legg v. Wyeth, 428 F.3d 1317, 1323-25 (11th Cir. 2005)
- Shannon v. Albertelli Firm, P.C., 610 F. App’x 866, 871 (11th Cir. 2015)

- Glenn v. Wal-Mart Stores East, LP, 2018 WL 11444732, at *3 (N.D. Ga. May 25, 2018)
- Stewart v. Circle K Stores, Inc., 2023 WL 2507569, at *4 (N.D. Ga. Mar. 14, 2023)
- Martin v. Six Flags Over Georgia II, L.P., 301 Ga. 323, 333 (2017)
- Burns v. Colonial Stores, 90 Ga. App. 492, 494-95 (1954)
- Sanders v. QuikTrip Corp., 378 F. Supp. 3d 1177, 1194 (N.D. Ga. 2019)
- Collins v. Athens Orthopedic Clinic, P.A., 307 Ga. 555, 557 (2019)
- St. Jude's Recovery Center v. Vaughn, 354 Ga. App. 593, 594 (2020)
- B-T Two, Inc. v. Bennett, 307 Ga. App. 649, 654 (2011)
- Stadterman v. Southwood Realty Co., 361 Ga. App. 613, 615 (Oct. 26, 2021)
- Wilson v. Guy, 356 Ga. App. 509, 511 (2020)
- Wolfe v. Carter, 314 Ga. App. 854, 859 (2012)
- Georgia CVS Pharmacy, LLC v. Carmichael, 316 Ga. 718, 721-27 (2023)
- Lau's Corp. v. Haskins, 261 Ga. 491, 492 (1991)
- Sturbridge Partners, Ltd. v. Walker, 267 Ga. 785, 786 (1997)
- Gordon v. Starwood Hotels & Resorts Worldwide, Inc., 821 F. Supp. 2d 1308, 1313 (N.D. Ga. 2011)
- Drayton v. Kroger Co., 297 Ga. App. 484, 485-86 (2009)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248-50, 255 (1986)
- Celotex Corp. v. Catrett, 477 U.S. 317, 323-24 (1986)
- Herzog v. Castle Rock Entertainment, 193 F.3d 1241, 1246 (11th Cir. 1999)
- Graham v. State Farm Mutual Insurance Co., 193 F.3d 1274, 1282 (11th Cir. 1999)
- Matsushita Electric Industrial Co. v. Zenith Radio Corp., 475 U.S. 574, 587 (1986)