

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ILLINOIS

Christen Wesley v. Sam’s West, Inc., d/b/a Sam’s Club, Wanda
Koonce, and David Heaton

Wesley · No. 3:25-cv-01713-GCS · Decided March 18, 2026

SUMMARY

The United States District Court for the Southern District of Illinois granted Plaintiff Christen Wesley’s motion to remand a slip-and-fall negligence action to Illinois state court. The court held that the nondiverse individual defendants were not fraudulently joined because Plaintiff had a reasonable possibility of establishing negligence claims against them under Illinois law, defeating complete diversity. The court denied attorney’s fees and costs, denied the defendants’ motion to dismiss as moot, and ordered the case remanded to the Circuit Court of St. Clair County, Illinois.

CASE DETAILS

COURT	United States District Court for the Southern District of Illinois
WRITING FOR THE COURT	Gilbert C. Sison
JURISDICTION	United States District Court for the Southern District of Illinois
DECIDED	March 18, 2026
DOCKET	3:25-cv-01713-GCS
DISPOSITION	remanded
PROCEDURAL POSTURE	Plaintiff moved to remand a removed Illinois state-law negligence action. Defendants opposed remand, asserting fraudulent or improper joinder of the nondiverse individual defendants and seeking their dismissal.
STANDARD OF REVIEW	The removing party bears the burden of establishing federal subject-matter jurisdiction. Fraudulent or improper joinder requires proof that, after resolving factual and legal issues in the plaintiff’s favor, the plaintiff has no reasonable possibility of success against the nondiverse defendant. Removal statutes are construed narrowly, with doubts resolved in favor of remand. Attorney’s fees under 28 U.S.C. § 1447(c) require that the removing party lacked an objectively reasonable basis for removal.

TOPICS

subject matter jurisdiction

civil procedure

negligence

premises liability

attorney fees

PRACTICE AREAS

Civil procedure

Personal injury

Premises liability

Negligence

Federal jurisdiction

QUESTIONS PRESENTED

1. Whether Koonce and Heaton were improperly or fraudulently joined so that their Illinois citizenship could be disregarded for diversity jurisdiction.
2. Whether complete diversity existed under 28 U.S.C. § 1332 and whether removal was proper under 28 U.S.C. § 1441.
3. Whether the forum-defendant rule independently barred removal if Wesley were a Louisiana citizen.
4. Whether Wesley was entitled to attorney's fees and costs under 28 U.S.C. § 1447(c).

HOLDINGS

1. Koonce and Heaton were not improperly or fraudulently joined because Defendants failed to show that Wesley had no reasonable possibility of success against them under Illinois negligence law.
2. Because Koonce and Heaton were Illinois citizens and were not improperly joined, complete diversity was absent and the federal court lacked subject-matter jurisdiction.
3. Even if Wesley were a Louisiana citizen and complete diversity otherwise existed, removal would still be improper because Illinois defendants were properly joined and served and were citizens of the forum state.
4. Wesley was not entitled to attorney's fees and costs because Defendants had an objectively reasonable, colorable basis for removal.

KEY QUOTATIONS

"To establish fraudulent joinder, 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." (5)

"Given the alleged facts above, and the heavy burden to which Defendants are held when bringing improper joinder claims, the Court finds Defendants have failed to prove Plaintiff's claims against Defendants Koonce and Heaton have "no chance of success."" (7)

FACTUAL BACKGROUND

Wesley alleged that he slipped and fell on April 26, 2024, in the loading-dock area of Sam's Club No. 8285 in O'Fallon, Illinois. He alleged that standing water, debris, and algae caused the fall and resulted in injuries, medical expenses, pain, and permanent disability. He sued Sam's West and store managers Koonce and Heaton,

alleging that the managers negligently failed to inspect, supervise, examine, and report hazards. Wesley and the individual defendants were alleged to be Illinois citizens, while Sam's West was alleged to be an Arkansas citizen.

PROCEDURAL HISTORY

Wesley filed personal-injury negligence claims in the Circuit Court of St. Clair County, Illinois, against Sam's West, Inc. and store managers Wanda Koonce and David Heaton. Defendants removed the action under diversity jurisdiction and moved to dismiss the claims against Koonce and Heaton based on fraudulent joinder. The federal court granted the motion to remand, denied attorney's fees and costs, denied the dismissal motion as moot, and directed the clerk to close the case.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The case is remanded under 28 U.S.C. § 1447(c) to the Circuit Court for the Twentieth Judicial Circuit, St. Clair County, Illinois. Defendants' motion to dismiss is denied as moot; no fees or costs are awarded; the clerk shall close the federal case.

CASES CITED

- Yassan v. J.P. Morgan Chase & Co., 708 F.3d 963, 968 (7th Cir. 2013)
- Salah v. Wal-Mart Stores, Inc., Case No. 3:16-CV-01163-NJR-SCW, 2017 WL 131581, at *2 (S.D. Ill. Jan. 13, 2017)
- B.W.E. & T.M.E., Inc. v. OptumRX, Inc., Case No. 22-cv-2152-DWD, 2023 WL 195826, at *3 (S.D. Ill. Jan. 17, 2023)
- Dickson v. Wal-Mart Stores, Inc., No. 09-CV-408-WDS, 2009 WL 10726769, at *2-3 (S.D. Ill. Sept. 23, 2009)
- Howell by Goerdt v. Tribute Entertainment Co., 106 F.3d 215, 217 (7th Cir. 1997)
- Feeley v. Bayer Corporation, Case No. 18-cv-2090-NJR-GCS, 2019 WL 4261545, at *2-3 (S.D. Ill. Sept. 9, 2019)
- Meridian Sec. Ins. Co. v. Sadowski, 441 F.3d 536, 540 (7th Cir. 2006)
- Anglin v. Bristol-Myers Squibb Co., Civil No. 12-60-GPM, 2012 WL 1268143, at *1 (S.D. Ill. Apr. 13, 2012)
- Doe v. Allied-Signal, Inc., 985 F.2d 908, 911 (7th Cir. 1993)
- Collier v. SP Plus Corporation, 889 F.3d 894, 896 (7th Cir. 2018)
- Schwartz v. State Farm Mut. Auto. Ins. Co., 174 F.3d 875, 878 (7th Cir. 1999)
- Morris v. Nuzzo, 718 F.3d 660, 665-666 (7th Cir. 2013)
- Poulos v. Maas Foods, Inc., 959 F.2d 69, 73 (7th Cir. 1992)
- Schur v. L.A. Weight Loss Centers, Inc., 577 F.3d 752, 764 (7th Cir. 2009)

- Fountain v. J.C. Penny Corp., Inc., No. 06-cv-680-DRH, 2007 WL 1308813, at *3 (S.D. Ill. May 3, 2007)
- Hoidas v. Wal-Mart Stores, Inc., No. 09 C 7409, 2010 WL 1790864, at *1 (N.D. Ill. Apr. 30, 2010)
- Lambert v. Wal-Mart Stores, Inc., Case No. 14-cv-1124-DRH-SCW, 2015 WL 264817, at *2-3 (S.D. Ill. Jan. 20, 2015)
- Hain Celestial Grp., Inc. v. Palmquist, No. 24-724, 2026 WL 501733, at *4 (U.S. Feb. 24, 2026)
- Martin v. Franklin Capital Corp., 546 U.S. 132, 140 (2005)
- Lott v. Pfizer, Inc., 492 F.3d 789, 793 (7th Cir. 2007)

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