

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
PENNSYLVANIA

Dolores J. Lasso, individually and as Administratrix of the Estate of
Francisco Velasquez, Deceased v. Wheelabrator Group, Inc., et al.

Lasso · No. 25-4371 · Decided February 24, 2026

SUMMARY

The Eastern District of Pennsylvania granted Plaintiff Dolores J. Lasso’s motion to remand a products-liability action to the Philadelphia Court of Common Pleas. The court held that the nondiverse defendants were not fraudulently joined because the complaint stated colorable claims against them and Plaintiff demonstrated an intent to prosecute the claims. The court declined to reach the rule-of-unanimity issue and denied Plaintiff’s request for attorney’s fees and costs.

CASE DETAILS

COURT	United States District Court for the Eastern District of Pennsylvania
WRITING FOR THE COURT	Catherine Henry
JURISDICTION	United States District Court for the Eastern District of Pennsylvania
DECIDED	February 24, 2026
DOCKET	25-4371
DISPOSITION	remanded
PROCEDURAL POSTURE	Plaintiff moved to remand a removed products-liability action to the Philadelphia Court of Common Pleas, asserting lack of complete diversity, improper snap removal, and failure to obtain the consent of joined defendants. The removing defendant opposed remand and argued for the first time that the nondiverse defendants had been fraudulently joined.
STANDARD OF REVIEW	A removing party bears a heavy burden of persuasion to establish fraudulent joinder. The court focuses on the complaint at the time of removal, assumes its factual allegations are true, and asks whether there is any reasonable basis in fact or colorable ground supporting a claim against the nondiverse defendant. The fraudulent-joinder inquiry is less probing than review under Rule 12(b)(6) or summary judgment.
PRECEDENTIAL VALUE	Unknown

PARTIES

Dolores J. Lasso, individually and as Administratrix of the Estate of Francisco Velasquez, Deceased v. Wheelabrator Group, Inc., Wheelabrator Group, Wheelabrator Corporation, Norican Group, Norican Global A/S, K.J.S. Industrial Services, Inc., Kasco Sales, Inc., John Does

TOPICS

subject matter jurisdiction civil procedure remedies products liability wrongful death

PRACTICE AREAS

civil procedure products liability remedies

QUESTIONS PRESENTED

1. Whether K.J.S. Industrial Services, Inc. and Kasco Sales, Inc. were fraudulently joined so that their Pennsylvania citizenship could be disregarded for diversity jurisdiction.
2. Whether the removing defendant's failure to assert fraudulent joinder in the notice of removal required remand.
3. Whether Plaintiff was entitled to attorney fees and costs under 28 U.S.C. § 1447(c).

HOLDINGS

1. K.J.S. Industrial Services, Inc. and Kasco Sales, Inc. were not fraudulently joined because Plaintiff demonstrated an intent to prosecute the claims and alleged colorable claims against them.
2. Because the nondiverse Pennsylvania defendants were properly joined, complete diversity was absent and the federal court lacked subject matter jurisdiction.
3. Plaintiff was not entitled to attorney fees and costs because the removing defendant had an objectively reasonable basis for seeking removal, even though its fraudulent-joinder theory was untimely and unsuccessful.

KEY QUOTATIONS

“An exception to this rule is the doctrine of fraudulent joinder, which “permits the removal of a case to federal court despite the presence of a non-diverse defendant when the non-diverse defendant was joined to defeat subject matter jurisdiction.”” (Section II)

“The removing party carries a “heavy burden of persuasion” in showing fraudulent joinder.” (Section II)

“If there is even a possibility that a state court would find that the complaint states a cause of action against any one of the resident defendants, the federal court must find that joinder was proper and remand the case to state court.” (Section II)

“A court may award attorney’s fees “where the removing party lacked an objectively reasonable basis for seeking removal. Conversely, when an objectively reasonable basis exists, fees should be denied.”” (Section

FACTUAL BACKGROUND

The action arises from fatal injuries allegedly sustained by Francisco Velasquez while working near a defective Wheelabrator machine with an unguarded pinch point. Lasso alleged that K.J.S. Industrial Services, Inc. and Kasco Sales, Inc., both Pennsylvania corporations, designed, assembled, manufactured, retailed, sold, supplied, distributed, or installed the machine at the facility where Velasquez worked. She asserted strict products liability, negligence, breach of warranty, wrongful death, and Survival Act claims against those entities and other defendants.

PROCEDURAL HISTORY

Plaintiff filed the action in the Philadelphia Court of Common Pleas on July 1, 2025. Wheelabrator Group, Inc. removed the case to the Eastern District of Pennsylvania on July 31, 2025, and Plaintiff moved to remand on August 19, 2025. After oral argument, the removing defendant abandoned its snap-removal theory and relied on fraudulent joinder. The court concluded that KJS and Kasco were not fraudulently joined, that complete diversity was absent, and that remand was required; it denied fees and costs.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The case is remanded to the Court of Common Pleas of Philadelphia County. Plaintiff's request for attorney fees and costs is denied.

CASES CITED

- Weaver v. American States Insurance, No. 23-cv-527, 2023 WL 6541037, at *1, *3 (W.D. Pa. Oct. 6, 2023)
- Adams v. Glen at Shawmont Station, No. 25-cv-4231, 2025 WL 2936889, at *2 (E.D. Pa. Oct. 15, 2025)
- In re Briscoe, 448 F.3d 201, 216, 218 (3d Cir. 2006)
- Batoff v. State Farm Insurance Co., 977 F.2d 848, 851-52 (3d Cir. 1992)
- Abels v. State Farm Fire & Casualty Co., 770 F.2d 26, 32 (3d Cir. 1985)
- Corbitt v. Progressive Advanced Insurance Co., No. 24-cv-25, 2024 WL 3679004, at *4 (E.D. Pa. Aug. 5, 2024)
- Wooten v. Boppy Co., No. 22-cv-4341, 2023 WL 11826191, at *2 (E.D. Pa. Aug. 14, 2023)
- Boyer v. Snap-on Tools Corp., 913 F.2d 108, 111 (3d Cir. 1990)
- Stanley v. Lowe's Companies, Inc., No. 19-cv-15436, 2020 WL 1531387, at *4-*5 (D.N.J. Mar. 31, 2020)
- Egger v. Marriott International, Inc., No. 10-cv-6274, 2011 WL 6133280, at *2-*4 & n.2 (E.D. Pa. Dec. 8, 2011)
- Janaski v. Dettore, No. 15-cv-00572, 2015 WL 1573670, at *3 n.3

- Jocz v. Eichleay Engineers, Inc., No. 08-cv-4063, 2008 WL 5157503, at *3-*4 (E.D. Pa. Dec. 9, 2008)
- Martin v. Franklin Capital Corp., 546 U.S. 132, 141 (2005)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/united-states-district-court-for-the-eastern-district-of-pennsylvania-united-states-district-court-f/2026/dolores-j-lasso-individually-and-as-administratrix-of-the-ev3kfsxs>