

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MISSOURI, EASTERN DIVISION

Newton Rapplean, et al. v. Nationwide Mutual Insurance Company

No. 4:26-cv-00650-MTS, United States District Court for the Eastern District of Missouri, Eastern Division
(May 1, 2026)

SUMMARY

The United States District Court for the Eastern District of Missouri reviewed a notice of removal filed by Nationwide Mutual Insurance Company and found that it failed to establish complete diversity of citizenship as of the time the state-court action was commenced. The court ordered Defendant to file an amended notice of removal establishing subject-matter jurisdiction and to attach official copies of the state-court petition and its attachment, warning that failure to do so would result in remand.

CASE DETAILS

COURT	United States District Court for the Eastern District of Missouri, Eastern Division
JURISDICTION	United States District Court for the Eastern District of Missouri, Eastern Division
DECIDED	May 1, 2026
DOCKET	4:26-cv-00650-MTS
DISPOSITION	other
PROCEDURAL POSTURE	The federal district court reviewed the defendant's notice of removal and determined that it failed to establish subject matter jurisdiction based on diversity of citizenship and failed to provide official copies of required state-court documents.
STANDARD OF REVIEW	The court independently reviewed the record to determine whether subject matter jurisdiction existed.
PRECEDENTIAL VALUE	unpublished district court memorandum and order

TOPICS

- subject matter jurisdiction
- civil procedure
- insurance

PRACTICE AREAS

- civil procedure
- insurance
- federal jurisdiction

QUESTIONS PRESENTED

1. Whether the notice of removal adequately established complete diversity of citizenship at both the commencement of the state-court action and the time of removal.
2. Whether the removing defendant complied with 28 U.S.C. § 1446(a) by attaching the required official copies of the state-court process, pleadings, and orders.

HOLDINGS

1. A removing defendant must establish that the parties were diverse both when the plaintiff commenced the action in state court and when the defendant filed the notice of removal; because Nationwide alleged neither the parties' citizenship at commencement nor the required diversity at that time, the notice of removal was jurisdictionally deficient.
2. If Nationwide can establish subject matter jurisdiction, it must file an amended notice of removal addressing the jurisdictional defect and attach an official copy of the plaintiff's petition and its attachment; failure to establish jurisdiction will result in remand.

KEY QUOTATIONS

“Defendant was required to establish that the parties were diverse “both when the plaintiff initiate[d] the action in state court and when the defendant file[d] the notice of removal in federal court.””

“If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded.”

FACTUAL BACKGROUND

Nationwide removed the plaintiffs' state-court action to federal court on diversity grounds. Its notice of removal did not allege the parties' citizenship at the time the action was filed in state court, and several documents attached to the notice bore a watermark stating that they were not official court documents.

PROCEDURAL HISTORY

Nationwide Mutual Insurance Company removed the action from state court to the Eastern District of Missouri. On review of the removal file, the court found that the notice did not allege the parties' citizenship when the action was commenced in state court and that some attached state-court documents were marked as unofficial. The court ordered Nationwide to file an amended notice of removal and attach official copies of the plaintiff's petition and its attachment by May 8, 2026, warning that failure to establish jurisdiction would result in remand.

DISPOSITION

other

REMAND INSTRUCTIONS

Nationwide must file an amended notice of removal by May 8, 2026, establishing subject matter jurisdiction and attaching an official copy of the plaintiff's petition and the attachment thereto. If Nationwide fails to establish jurisdiction, the case will be remanded.

CASES CITED

- Hertz Corp. v. Friend, 559 U.S. 77, 94 (2010)
- Chavez-Lavagnino v. Motivation Educ. Training, Inc., 714 F.3d 1055, 1056 (8th Cir. 2013)
- Reece v. Bank of N.Y. Mellon, 760 F.3d 771, 777 (8th Cir. 2014)
- Phoenix Ins. Co. v. Pechner, 95 U.S. 183, 186 (1877)
- City of St. Louis v. Bindan Corp., 295 F.R.D. 392, 395 (E.D. Mo. 2013)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION NEWTON RAPPLEAN, et al.,)) Plaintiffs,)) vs.) Case No. 4:26-cv-00650-MTS) NATIONWIDE MUTUAL INSURANCE) COMPANY,)) Defendant.) MEMORANDUM AND ORDER This matter is before the Court on review of the file.

The Court notes that Defendant's Notice of Removal, Doc. [1], has failed to establish this Court's subject matter jurisdiction. See Hertz Corp. v. Friend, 559 U.S. 77, 94 (2010) ("Courts have an independent obligation to determine whether subject-matter jurisdiction exists, even when no party challenges it."). Defendant was required to establish that the parties were diverse "both when the plaintiff initiate[d] the action in state court and when the defendant file[d] the notice of removal in federal court." Chavez-Lavagnino v. Motivation Educ.

Training, Inc., 714 F.3d 1055, 1056 (8th Cir. 2013); accord Reece v. Bank of N.Y. Mellon, 760 F.3d 771, 777 (8th Cir. 2014) (finding removal defective because defendant's notice failed to specify party's citizenship "when the suit was commenced"). This requirement is not new. See Phoenix Ins. Co. v. Pechner, 95 U.S. 183, 186 (1877) (finding removal improper where defendant alleged plaintiff's citizenship as of the date of removal without "stating affirmatively that such was his citizenship when the suit was commenced").

But here, Defendant provided no allegations establishing the indispensable requirement of the parties' diversity of citizenship at the time of this action's filing in state court. If Defendant can establish this Court's subject matter jurisdiction, Defendant must file an Amended Notice of Removal that addresses this jurisdictional defect. See City of St. Louis v. Bindan Corp., 295 F.R.D.

392, 395 (E.D. Mo. 2013) (discussing the circumstances under which a party may amend a notice of removal). Failure to do so will result in remand. See 28 U.S.C. § 1447(c) ("If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded."). Further, 28 U.S.C. § 1446(a) requires a removing defendant to file, together with its

Notice of Removal, “a copy of all process, pleadings, and orders served upon such defendant or defendants in such action.” To comply with this requirement, Defendant has attached Exhibits A and B to its Notice of Removal.

Docs. [1-1] and [1-2]. However, many of the state-court documents contained in those Exhibits bear a watermark denoting that they are “Not an Official Court Document.” See, e.g., Doc. [1-2] at 2. Therefore, to ensure a clear record as well as complete compliance with the requirements of 28 U.S.C. § 1446(a), the Court will require Defendant to attach to its Amended Notice of Removal an official copy of Plaintiff’s Petition and the attachment thereto.

Accordingly, IT IS HEREBY ORDERED that Defendant must file an Amended Notice of Removal no later than May 08, 2026, that establishes this Court’s subject matter jurisdiction. IT IS FURTHER ORDERED that Defendant shall attach to its Amended Notice of Removal an official copy of Plaintiff’s Petition and the attachment thereto. Dated this 1st day of May 2026. □□ Lie UNITED STATES DISTRICT JUDGE _2-