

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ALABAMA

Hamblin v. Walmart Inc.

Hamblin · No. 1:25-cv-00411-KD-C · Decided February 2, 2026

SUMMARY

The court grants Plaintiff Amy Hamblin’s motion to remand a wrongful-death action to the Circuit Court of Mobile County, Alabama. It concludes that Defendants failed to show by clear and convincing evidence that Leonard Witt was fraudulently joined, and therefore complete diversity jurisdiction was not established. The order permits objections within fourteen days before the case is remanded.

CASE DETAILS

COURT	United States District Court for the Southern District of Alabama
WRITING FOR THE COURT	William E. Cassady
JURISDICTION	United States District Court for the Southern District of Alabama
DECIDED	February 2, 2026
DOCKET	1:25-cv-00411-KD-C
DISPOSITION	remanded
PROCEDURAL POSTURE	Defendants removed a wrongful-death action from Alabama state court based on diversity jurisdiction and alleged fraudulent joinder of a nondiverse defendant. The plaintiff moved to remand.
STANDARD OF REVIEW	On fraudulent-joinder-based removal, the removing defendants bear the burden of proving by clear and convincing evidence that there is no possibility the plaintiff can establish a cause of action against the nondiverse defendant. The court views the evidence and uncertainties of state law in the plaintiff's favor, considers the pleadings at removal supplemented by appropriate evidence, resolves factual disputes for the plaintiff, and does not weigh the merits beyond determining whether the claims are arguably viable under state law.
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential

TOPICS

- subject matter jurisdiction
- civil procedure
- negligence
- torts
- wrongful death

PRACTICE AREAS

civil procedure

diversity jurisdiction

removal and remand

personal injury

negligence

QUESTIONS PRESENTED

1. Whether Leonard Witt was fraudulently joined because there was no possibility that the plaintiff could establish negligence or wantonness claims against him under Alabama law.
2. Whether the evidence established complete diversity sufficient to support federal subject matter jurisdiction.
3. Whether the action should be remanded to the Circuit Court of Mobile County, Alabama.

HOLDINGS

1. Walmart did not prove by clear and convincing evidence that there was no possibility the plaintiff could establish negligence or wantonness claims against Witt. The complaint and competing evidence presented an arguable, reasonably possible basis for imposing liability on him under Alabama law.
2. The plaintiff's allegations presented a reasonably possible basis for negligence and wantonness claims against Witt under Alabama law.
3. Diversity jurisdiction did not exist because Witt was not shown to have been fraudulently joined and his nondiverse citizenship therefore could not be disregarded.

KEY QUOTATIONS

"In a removal case alleging fraudulent joinder, the removing party has the burden of proving that either: (1) there is no possibility the plaintiff can establish a cause of action against the resident defendant; or (2) the plaintiff has fraudulently pled jurisdictional facts to bring the resident defendant into state court." (Section II)

"Walmart Defendants "must show by clear and convincing evidence that - viewing the evidence in the light most favorable to [Ms. Hamblin] and resolving all uncertainties of state law in [Ms. Hamblin's] favor, there is no possibility that the state court could find that the complaint states claims for negligence" and wantonness against Mr. Witt." (Section III)

"The Court is not to weigh the merits of Ms. Hamblin's claims but instead is "limited to checking for obviously fraudulent or frivolous claims."" (Section III)

"Any uncertainties under Alabama law as to whether Mr. Witt, as general manager of the Walmart IDC, may be held personally liable for Ms. Smith's injuries are to be resolved in favor of Ms. Hamblin." (Section III)

FACTUAL BACKGROUND

Carolyn Renee Smith died after being struck by a tractor trailer while walking near the intersection of Airport Boulevard and Cody Road in Mobile, Alabama. Her estate sued Walmart entities and Leonard Witt, the general manager of Walmart's Import Distribution Center in Irvington, Alabama, alleging negligence and wantonness involving the selection, hiring, training, supervision, monitoring, maintenance, and operation of the commercial truck and its driver. Walmart relied primarily on Witt's declaration denying responsibility for the relevant trucks and drivers and asserting that he was on vacation when the accident occurred, while the plaintiff submitted

Walmart position summaries suggesting that the general manager's duties could encompass safety-related monitoring and supervision.

PROCEDURAL HISTORY

Amy Hamblin, as personal representative of Carolyn Renee Smith's estate, filed negligence and wantonness claims in the Circuit Court of Mobile County, Alabama. Walmart Inc. and Wal-Mart Transportation, LLC removed the action to the Southern District of Alabama, contending that Leonard Witt was fraudulently joined to defeat diversity jurisdiction. The magistrate judge granted the motion to remand, subject to the parties' opportunity to object and seek district-judge review under Rule 72.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The motion to remand was granted. If no objections are filed within fourteen days under S.D. Ala. Gen. LR. 72(c) and Federal Rule of Civil Procedure 72(a), the Clerk is directed to remand the case to the Circuit Court of Mobile County, Alabama. If timely objections are filed, the Clerk must withhold disposition pending further order of the district judge.

CASES CITED

- Stillwell v. Allstate Ins. Co., 663 F.3d 1329, 1332 (11th Cir. 2011)
- Henderson v. Washington Nat. Ins. Co., 454 F.3d 1278, 1281 (11th Cir. 2006)
- Crowe v. Coleman, 113 F.3d 1526, 1538, 1540, 1542 (11th Cir. 1997)
- Pacheco de Perez v. AT & T Co., 139 F.3d 1368, 1380 (11th Cir. 1998)
- Hampton v. Georgia-Pac. L.L.C., No. CIV.A. 11-0363-KD-N, 2011 WL 5037403, at *5-*6 (S.D. Ala. Oct. 24, 2011)
- Legg v. Wyeth, 428 F.3d 1317, 1323-1325 (11th Cir. 2005)
- Bobby Jones Garden Apartments, Inc. v. Suleski, 391 F.2d 172, 176-177 (5th Cir. 1968)
- Mahone v. R.R. Dawson Bridge Co., LLC, No. 2:14-CV-99-WHA, 2014 WL 2154223, at *2 (M.D. Ala. May 22, 2014)
- Payne v. SRG Enters., L.L.C., No. 2:24-CV-442-RAH-SMD, 2025 WL 57708, at *3 (M.D. Ala. Jan. 9, 2025)
- Wal-Mart Stores, Inc. v. Thompson, 726 So. 2d 651, 654 (Ala. 1998)
- New Hampshire Ins. Co. v. Wiregrass Const. Co., No. CIV.A.09-0489-WS-B, 2010 WL 2038298 (S.D. Ala. May 20, 2010)
- Ajomale v. Quicken Loans, Inc., No. 1:17-CV-539-JB-MU, 2020 WL 13553740, at *3 (S.D. Ala. July 7, 2020)
- Pippin v. Burlington Resources Oil Gas Co., 440 F.3d 1186 (10th Cir. 2006)
- Collins v. Marten Transp., Ltd., No. 4:14-CV-0257-VEH, 2014 WL 972245, at *7 (N.D. Ala. Mar. 12, 2014)

- Taylor Newman Cabinetry, Inc. v. Classic Soft Trim, Inc., 436 Fed. Appx. 888 (11th Cir. 2011)
- Shabazz v. Embassy Suites Mgmt., LLC, No. 2:22-CV-01500-NAD, 2023 WL 3662654 (N.D. Ala. May 25, 2023)
- Parker v. Lowe's Home Centers, Inc., No. 1:13-CV-553-WKW, 2013 WL 12404904 (M.D. Ala. Oct. 29, 2013)
- Russell v. Leidos Inc., No. 1:23-CV-1488-CLM, 2024 WL 3585097 (N.D. Ala. July 30, 2024)
- Johnson v. Wyeth, 313 F. Supp. 2d 1272, 1275 (N.D. Ala. 2004)
- Rodriguez v. Westchester Surplus Lines Ins. Co., No. 2:25-CV-741-KCD-NPM, 2025 WL 2908153, at *2 n.4 (M.D. Fla. Oct. 14, 2025)