

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
OKLAHOMA

Brady R. Hunt et al. v. State Farm Fire and Casualty Company et al.

Hunt · No. CIV-25-431-G · Decided March 30, 2026

SUMMARY

The United States District Court for the Western District of Oklahoma grants Plaintiffs Brady R. Hunt and Dorothy K. Hunt’s motion to remand. The Court concludes that State Farm failed to establish fraudulent joinder of the nondiverse defendants, Michael Muecke and Mike Muecke Insurance Agency, Inc., because Plaintiffs’ negligent procurement claim was possibly viable under Oklahoma law. The action is remanded to the District Court of Oklahoma County, Oklahoma.

CASE DETAILS

COURT	United States District Court for the Western District of Oklahoma
WRITING FOR THE COURT	Varka B. Korie
JURISDICTION	United States District Court for the Western District of Oklahoma
DECIDED	March 30, 2026
DOCKET	CIV-25-431-G
DISPOSITION	remanded
PROCEDURAL POSTURE	Plaintiffs moved to remand a removed diversity action, arguing that the nondiverse defendants were not fraudulently joined. The federal district court granted the motion and remanded the action to state court.
STANDARD OF REVIEW	The removing party bears the burden of establishing federal jurisdiction and must prove fraudulent joinder by showing either actual fraud in pleading jurisdictional facts or the inability of the plaintiff to establish any colorable cause of action against the nondiverse defendant. All factual and legal issues are resolved in favor of the plaintiff, and remand is required if any claim against the nondiverse defendant is possibly viable.
PRECEDENTIAL VALUE	Unknown
PARTIES	Brady R. Hunt, Dorothy K. Hunt v. State Farm Fire and Casualty Company, Michael Muecke, Mike Muecke Insurance Agency, Inc.

TOPICS

subject matter jurisdiction

civil procedure

insurance

negligence

breach of contract

PRACTICE AREAS

civil procedure

insurance

negligence

contracts

QUESTIONS PRESENTED

1. Whether State Farm established actual fraud in Plaintiffs' pleading of jurisdictional facts.
2. Whether State Farm established with complete certainty that Plaintiffs could not recover against the nondiverse defendants on their negligent-procurement or constructive-fraud/negligent-misrepresentation claims.
3. Whether the citizenship of the nondiverse defendants could be disregarded under the fraudulent-joinder doctrine so that complete diversity existed under 28 U.S.C. § 1332(a).

HOLDINGS

1. The similarity of Plaintiffs' allegations to allegations in other cases, and the number of similar cases filed by their counsel, did not by themselves establish actual fraud in the pleading of jurisdictional facts.
2. State Farm failed to prove with complete certainty that Plaintiffs could not establish a negligent-procurement claim against Muecke in state court.
3. Complete diversity did not exist because Plaintiffs and Defendants Muecke were Oklahoma citizens, and State Farm did not establish that Muecke and his agency were fraudulently joined.

KEY QUOTATIONS

"Since federal courts are courts of limited jurisdiction, there is a presumption against our jurisdiction, and the party invoking federal jurisdiction bears the burden of proof." (Section II)

"The defendant seeking removal bears a heavy burden of proving fraudulent joinder, and all factual and legal issues must be resolved in favor of the plaintiff." (Section II)

"This standard is more exacting than that for dismissing a claim under Fed.R.Civ.P. 12(b)(6), as "remand is required if any one of the claims against the non-diverse defendant . . . is possibly viable."" (Section III.B)

FACTUAL BACKGROUND

Plaintiffs purchased a replacement-cost homeowners insurance policy from State Farm through agent Michael Muecke after providing an inspection report showing that the roof was generally in good condition but had minor hail damage. Plaintiffs alleged that Muecke assured them the roof would be fully covered, including replacement cost. After a September 2024 wind and hail storm, State Farm denied Plaintiffs' claim in part based on preexisting damage and normal wear and tear. Plaintiffs sued State Farm for contract and bad-faith-related claims and sued Muecke and his agency for negligent procurement and constructive fraud or negligent misrepresentation.

PROCEDURAL HISTORY

Plaintiffs filed the action in the District Court of Oklahoma County, Oklahoma, on March 10, 2025. State Farm removed the case to the Western District of Oklahoma based on diversity jurisdiction and fraudulent joinder, asserting that Plaintiffs had improperly joined Oklahoma defendants Michael Muecke and Mike Muecke Insurance Agency, Inc. Plaintiffs moved to remand, and the court concluded that State Farm had not shown with complete certainty that Plaintiffs could not establish at least one viable claim against the nondiverse defendants.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The clerk was directed to remand the matter to the District Court of Oklahoma County, Oklahoma, and to send a certified copy of the order to the clerk of the state court.

CASES CITED

- Penteco Corp. Ltd. P'ship—1985A v. Union Gas Sys., Inc., 929 F.2d 1519, 1521 (10th Cir. 1991)
- Fajen v. Found. Rsrv. Ins. Co., 683 F.2d 331, 333 (10th Cir. 1982)
- McPhail v. Deere & Co., 529 F.3d 947, 951 (10th Cir. 2008)
- Dutcher v. Matheson, 733 F.3d 980, 988 (10th Cir. 2013)
- Norman v. State Farm Fire & Cas. Co., 764 F. Supp. 3d 1100, 1104-05 (W.D. Okla. 2025)
- Whitby v. State Farm Fire & Cas., No. 23-CV-00073, 2023 WL 11763365, at *4 (N.D. Okla. Aug. 21, 2023)
- Montano v. Allstate Indem., No. 99-2225, 2000 WL 525592, at *1-2 (10th Cir. Apr. 14, 2000)
- Hernandez v. Liberty Ins. Corp., 73 F. Supp. 3d 1332, 1336 (W.D. Okla. 2014)
- Smoot v. Chi., Rock Island & Pac. R.R. Co., 378 F.2d 879, 882 (10th Cir. 1967)
- Swickey v. Silvey Cos., 979 P.2d 266, 269 (Okla. Civ. App. 1999)
- Rotan v. Farmers Ins. Grp. of Cos., 83 P.3d 894, 895 (Okla. Civ. App. 2004)
- Oliver v. State Farm Fire & Cas. Co., 765 F. Supp. 3d 1244, 1250 (W.D. Okla. 2025)
- Nelson v. State Farm Fire & Cas. Co., 647 F. Supp. 3d 1189, 1194-95 (W.D. Okla. 2022)