

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
GEORGIA, COLUMBUS DIVISION

Onica Leslie, et al. v. Chad Markling, LKQ Southeast Inc., and
Interstate Nationalease Inc.

Leslie v. Markling, No. 4:25-CV-174 (CDL) (M.D. Ga. Jan. 12, 2026) · No. 4:25-CV-174 (CDL) · Decided
January 12, 2026

SUMMARY

The court denied remand and dismissed Interstate Nationalease Inc. after finding that it was fraudulently joined in a diversity action arising from a truck collision. The court concluded that the record showed no possibility of claims against Interstate based on employment, negligent entrustment, or failure to maintain the truck.

CASE DETAILS

COURT	United States District Court for the Middle District of Georgia, Columbus Division
WRITING FOR THE COURT	Clay D. Land
JURISDICTION	United States District Court for the Middle District of Georgia, Columbus Division
DECIDED	January 12, 2026
DOCKET	4:25-CV-174 (CDL)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiffs originally filed a Georgia state-court personal-injury action against the truck driver, the truck leasing company, and the lessee. Defendants removed on the ground that the nondiverse leasing company had been fraudulently joined. After limited jurisdictional discovery, the leasing company moved for dismissal based on fraudulent joinder, and Plaintiffs moved to remand.
STANDARD OF REVIEW	On fraudulent-joinder review, the court considered the pleadings at the time of removal, supplemented by affidavits and deposition transcripts. The court applied a summary-judgment-like standard, resolving genuine factual questions in Plaintiffs' favor but refusing to credit unsupported allegations where Plaintiffs presented no evidence creating a factual dispute.

TOPICS

motions to dismiss

subject matter jurisdiction

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civil procedure

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QUESTIONS PRESENTED

1. Whether Interstate Nationalease Inc. was fraudulently joined because there was no possibility Plaintiffs could establish a cause of action against it.
2. Whether Plaintiffs could establish a negligent-entrustment claim against Interstate based on evidence that Interstate allegedly failed to vet LKQ or its drivers.
3. Whether Plaintiffs could establish a claim against Interstate for failing to maintain the truck in safe operating condition.
4. Whether the court should deny Plaintiffs' motion to remand after disregarding the nondiverse defendant as fraudulently joined.

HOLDINGS

1. Interstate was fraudulently joined because Plaintiffs did not demonstrate any possibility of establishing a cause of action against it on the theories presented. The court therefore disregarded Interstate's nondiverse citizenship, denied the motion to remand, and dismissed the claims against Interstate.
2. There was no possibility Plaintiffs could establish liability against Interstate under the employment theory alleged in the complaint because Markling was not Interstate's employee or contractor, and Interstate did not supervise, manage, control, or direct him.
3. Plaintiffs did not demonstrate any possibility of establishing negligent entrustment against Interstate because they identified no evidence that Markling was incompetent or habitually reckless or that Interstate had actual knowledge of such facts.
4. Plaintiffs did not demonstrate any possibility of establishing a claim against Interstate for failure to maintain the truck because they presented no evidence that the truck was not in good repair when rented or that Interstate knew of a mechanical defect before the wreck and failed to repair it.

KEY QUOTATIONS

“To establish fraudulent joinder, a defendant must demonstrate by clear and convincing evidence “either that: ‘(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.’”

(Discussion)

“The proceeding to resolve “a claim of fraudulent joinder is similar to that used for ruling on a motion for summary judgment.”” (Discussion)

“Accordingly, the Court grants Defendants’ motion to dismiss Interstate for misjoinder (ECF No. 21) to the following extent: the Court finds that Interstate was fraudulently joined, and the Court thus dismisses Plaintiffs’ claims against Interstate and denies Plaintiffs’ motion to remand (ECF No. 10).” (Conclusion)

FACTUAL BACKGROUND

Plaintiffs were injured in a June 2023 truck wreck involving a 2017 Freightliner Cascadia driven by Chad Markling. Interstate owned the truck and leased it to LKQ Southeast under a written rental agreement requiring Interstate to maintain the vehicle in safe operating condition and repair mechanical failures. Markling was not Interstate's employee or contractor, Interstate did not supervise or control him, and Plaintiffs identified no evidence that Interstate knew Markling was incompetent or habitually reckless or that Interstate knew of an unrepaired mechanical defect before the wreck.

PROCEDURAL HISTORY

Georgia-citizen Plaintiffs filed suit in the State Court of Muscogee County. Defendants removed the action notwithstanding the Georgia citizenship of Interstate Nationalease Inc., asserting that Interstate was fraudulently joined to defeat diversity jurisdiction. The federal court allowed limited jurisdictional discovery concerning Interstate's connection to the truck and driver. After discovery, Plaintiffs conceded that Interstate was not Markling's employer but argued that discovery might support negligent-entrustment or truck-maintenance claims; the court rejected those arguments, dismissed Interstate, and denied remand.

DISPOSITION

dismissed

REMAND INSTRUCTIONS

The claims against Interstate were dismissed and Plaintiffs' motion to remand was denied. The remaining parties were ordered to file a proposed scheduling order complying with the Rules 16/26 order within twenty-one days of January 12, 2026.

CASES CITED

- Henderson v. Washington Nat. Ins. Co., 454 F.3d 1278, 1281 (11th Cir. 2006)
- Crowe v. Coleman, 113 F.3d 1536, 1538 (11th Cir. 1997)
- Legg v. Wyeth, 428 F.3d 1317, 1322-23 (11th Cir. 2005)
- Pacheco de Perez v. AT&T Co., 139 F.3d 1368, 1380 (11th Cir. 1998)
- Riley v. Barreras, 890 S.E.2d 36, 38 (Ga. Ct. App. 2023)
- Dougherty Equip. Co. v. Roper, 757 S.E.2d 885, 890 (Ga. Ct. App. 2014)
- Western Indus. v. Poole, 634 S.E.2d 118, 120 (Ga. Ct. App. 2006)

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