

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

TROY HOPKINS d/b/a)	
TROY HOPKINS FARMS)	
)	
and)	
)	
GLENN HOPKINS d/b/a)	
HOPKINS & HOPKINS FARMS)	
)	
Plaintiffs,)	
)	
v.)	
)	
NUTRIEN AG SOLUTIONS, INC.,)	
)	
JOHN DOE CORP., 1 – 10,)	
)	
and)	
)	
JOHN DOE, 1 – 10,)	
)	
Defendants.)	

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1332(a), Defendant Nutrien Ag Solutions, Inc. (“Nutrien”) hereby petitions the Court for removal of the action described below from the State Circuit Court for the Twenty-Fifth Judicial District of Tennessee to the United States District Court for the Western District of Tennessee, Western Division, and, in support thereof, state as follows:

STATEMENT OF GROUNDS FOR REMOVAL

1. On July 31, 2019, Plaintiffs Troy Hopkins d/b/a Troy Hopkins Farms and Glenn Hopkins d/b/a Hopkins & Hopkins Farms (collectively, “Plaintiffs”) commenced this action by filing a Complaint for Damages (“Complaint”) against Nutrien and a number of “John Doe” defendants in the State Circuit Court for the Twenty-Fifth Judicial District of Tennessee (the “State

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Court Action”), Case No. 7680. A true and correct copy of the Complaint and all process, pleadings, motions, and orders received by Nutrien or otherwise listed on the docket of the State Court Action are attached hereto as *Exhibit A*.

2. Based on the Complaint, pursuant to 28 U.S.C. § 1332(a), Nutrien hereby removes the State Court Action to this Court on the basis of diversity jurisdiction. The parties in this action are citizens of different states.

3. Plaintiffs are individuals and citizens of the State of Tennessee. (*Exh. A*, p. 2, ¶¶ 1-2 (listing both Plaintiffs as “an adult resident of Tipton County,” Tennessee.) While Plaintiffs listed “d/b/a” names of “Troy Hopkins Farms” and “Hopkins and Hopkins” in the Complaint, there is no indications from the allegations of the Complaint that these are separate business entities.

4. Nutrien is a corporation organized under the laws of the State of Delaware, with its principal place of business in the State of Colorado. (*Exh. A*, p. 2, ¶ 3.)

5. The Complaint also purports to name as defendants “John Doe Corp., 1-10” as business entities and “John Doe, 1-10” as individuals. (*Exh. A*, pp. 1 & 2-3, ¶¶ 6-7.)

6. The amount in controversy as pled on the face of the Complaint satisfies the requirements of 28 U.S.C. § 1332(a) for subject matter jurisdiction based on diversity of the parties as Plaintiffs are unambiguously seeking to recover present total money damages from Nutrien greater than \$75,000. (*See Exh. A*, p. 7, ¶ 3 (seeking “compensatory damages in an amount no less than ONE MILLION DOLLARS (\$1,000,000.000)”) (capitalization in original).)

7. This removal is timely under 28 U.S.C. § 1446(b) because, notwithstanding that the Complaint was filed in July 2019, Plaintiffs first served copies of the Summons and Complaint on Nutrien through service upon its registered agent in the State of Tennessee on June 16, 2021 and this Notice of Removal is filed with thirty days thereafter. *See Exhibit A*.

8. Venue is proper in this District under 28 U.S.C. § 1441(a) because it is the federal district court that embraces the place where the original State Court Action was filed and is pending.

9. While the Complaint purports to name multiple defendants besides Nutrien, the additional defendants are identified only as “John Doe” or “John Doe Corporation.” (*See Exh. A*, pp. 2-3, ¶¶ 6-7.) The citizenship of a “John Doe” defendant is disregarded for purposes of determining whether a civil action is removable on the basis of diversity jurisdiction under Section 1332(a). *See* 28 U.S.C. § 1441(b)(1); *see also Riddle v. Lowe's Home Centers, Inc.*, 802 F. Supp. 2d 900, 904 (M.D. Tenn. 2011) (“The citizenship of John Doe, a fictitious defendant, cannot be considered for the purpose of determining whether to remand a case founded upon diversity jurisdiction.”).

10. Concurrently with this Notice of Removal, Nutrien will file a copy of this Notice with the State Circuit Court for the Twenty-Fifth Judicial District of Tennessee. In accordance with 28 U.S.C. § 1446(d), Nutrien will give written notice to Plaintiffs by contemporaneously serving this Notice of Removal on Plaintiffs.

11. For the foregoing reasons, Nutrien respectfully removes this civil action to the Western Division of the United States District Court for the Western District of Tennessee.

WHEREFORE, Defendant Nutrien Ag Solutions, Inc. respectfully requests that the action now pending in the State Circuit Court for the Twenty-Fifth Judicial District of Tennessee be removed to the Western Division of the United States District Court for the Western District of Tennessee.

Dated: June 28, 2021

Respectfully submitted,

LEWIS THOMASON, P.C.

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Pro Hac Vice Application to be Filed

Attorneys for Defendant Nutrien Ag Solutions, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the foregoing Notice of Removal has been served upon the counsel for the parties in interest herein by placing same in a postage prepaid envelope in first class mail to:

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Bryan R. Huffman
Huffman & Mason, PLLC
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Dated the 28th day of June, 2021.

s/ Robert F. Chapski
Robert F. Chapski