

PETITIONER'S EXHIBIT 1
Letter Mandate from 11th Circuit

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

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August 08, 2019

Clerk - Southern District of Georgia
U.S. District Court
Federal Justice Center
600 JAMES BROWN BLVD
AUGUSTA, GA 30901

Appeal Number: 18-12788-EE
Case Style: Christopher Lawrence v. University Hospital, et al
District Court Docket No: 1:17-cv-00115-JRH-BKE

A copy of this letter, and the judgment form if noted above, but not a copy of the court's decision, is also being forwarded to counsel and pro se parties. A copy of the court's decision was previously forwarded to counsel and pro se parties on the date it was issued.

The enclosed copy of the judgment is hereby issued as mandate of the court. The court's opinion was previously provided on the date of issuance.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Lois Tunstall
Phone #: (404) 335-6191

Enclosure(s)

MDT-1 Letter Issuing Mandate

**UNITED STATES COURT OF APPEALS
For the Eleventh Circuit**

No. 18-12788

District Court Docket No.
1:17-cv-00115-JRH-BKE

CHRISTOPHER LAWRENCE,

Plaintiff - Appellant,

PETRICE RISKS, et al.,

Plaintiffs,

versus

UNIVERSITY HOSPITAL,
UNIVERSITY HOSPITAL BOARD OF COMMISSIONERS,
CEO JIM DAVIS,
DR. FARR,
CNO REYNEE GALLUP, et al.,

Defendants - Appellees.

Appeal from the United States District Court for the
Southern District of Georgia

JUDGMENT

It is hereby ordered, adjudged, and decreed that the opinion issued on this date in this appeal is entered as the judgment of this Court.

Entered: July 10, 2019
For the Court: DAVID J. SMITH, Clerk of Court
By: Djuanna Clark

PETITIONER'S EXHIBIT 2

Order from 11th Circuit

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 18-12788
Non-Argument Calendar

D.C. Docket No. 1:17-cv-00115-JRH-BKE

CHRISTOPHER LAWRENCE,

Plaintiff-Appellant,

PETRICE RICKS, et al.,

Plaintiffs,

versus

UNIVERSITY HOSPITAL,
UNIVERSITY HOSPITAL BOARD OF COMMISSIONERS,
CEO JIM DAVIS,
DR. FARR,
RNO REYNEE GALLUP, et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Georgia

(July 10, 2019)

Before TJOFLAT, MARCUS and ROSENBAUM, Circuit Judges.

PER CURIAM:

Plaintiffs appeal the District Court's order dismissing their *pro se* complaint for lack of subject matter jurisdiction. The complaint alleged state law claims of medical negligence, gross negligence, and the wrongful death of Daphne Lawrence Ricks. On appeal, plaintiffs argue that the District Court erred in finding that it lacked subject matter jurisdiction because the parties were only minimally diverse.

We review *de novo* dismissals for lack of subject-matter jurisdiction, *Barbour v. Haley*, 471 F.3d 1222, 1225 (11th Cir. 2006), and review for clear error a District Court's factual findings concerning jurisdiction, *Bryant v. Rich*, 530 F.3d 1368, 1377 (11th Cir. 2008).

District courts have subject matter jurisdiction over civil actions between citizens of different states, or between citizens of a state and citizens of a foreign country, where the amount in controversy exceeds \$75,000. 28 U.S.C. § 1332(a). Diversity jurisdiction requires complete diversity of citizenship between all plaintiffs and defendants. *Strawbridge v. Curtiss*, 7 U.S. (3 Cranch) 267, 267 (1806). The party invoking jurisdiction must allege the citizenship of the parties as of the time suit is filed in federal court. See *Travaglio v. Am. Express Co.*, 735 F.3d 1266, 1268 (11th Cir. 2013). A natural person is a citizen of the state in which they are domiciled, *id.* at 1269, and a corporation is a citizen of its state of

incorporation and the state in which it has its principal place of business, 28 U.S.C. § 1332(c)(1).

Plaintiffs appear to concede that the parties in this case are not completely diverse.¹ They argue, however, that complete diversity isn't required for several reasons. First, plaintiffs argue that their action should be allowed to proceed under the federal interpleader statute, 28 U.S.C. § 1335. If this were correct, minimal diversity among the parties would be sufficient to confer jurisdiction. *See State Farm & Cas. Co. v. Tashire*, 386 U.S. 523, 530–31, 87 S. Ct. 1199, 1203–04 (1967). But the interpleader statute is inapplicable: there are not two or more adverse claimants in this case who “are claiming or may claim to be entitled to . . . money or property” or other benefits of a financial instrument. *See* 28 U.S.C. § 1335(a)(1). So this argument is unavailing.

Plaintiffs' second argument for minimal diversity appears to be premised on the Class Action Fairness Act (“CAFA”), which requires only minimal diversity for class actions that meet specified criteria. 28 U.S.C. § 1332(d)(2).² We agree with the District Court that CAFA is inapplicable as this case involves fewer than

¹ On this and many other issues, plaintiffs' position is far from clear. What is clear, however, is that the parties are not completely diverse—several of the plaintiffs, and all of the defendants, are domiciled in Georgia.

² Again, this argument doesn't exactly leap off the page of plaintiffs' brief. But the District Court addressed this possible jurisdictional ground, and plaintiffs refer to that portion of the District Court's order in their briefing.

100 plaintiffs and the aggregated claims do not exceed \$5,000,000. So this argument is also unavailing.

Because there is no basis for federal subject matter jurisdiction in this case, we affirm the District Court's order dismissing plaintiffs' claims.

AFFIRMED.