

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

CARTER BROTHERS)
MANUFACTURING COMPANY,)
INC.,)
)
Plaintiff,)
)
v.)
)
LUMBERMEN'S UNDERWRITING)
ALLIANCE, an Inter-)
insurance Exchange Company,)
)
Defendant.)

CIVIL ACTION NO.
2:11cv251-MHT
(WO)

ORDER

The allegations of the complaint in this lawsuit are insufficient to invoke this court's original jurisdiction under 28 U.S.C. § 1332 (diversity of citizenship). To invoke jurisdiction based on diversity, the complaint must distinctly and affirmatively allege each party's citizenship. McGovern v. American Airlines, Inc., 511 F. 2d 653, 654 (5th Cir. 1975) (per curiam). The allegations must show that the citizenship of each

plaintiff is different from that of each defendant. 28 U.S.C. § 1332.

The complaint is insufficient because it does not indicate the citizenship of defendant Lumbermen's Underwriting Alliance. If the entity is a corporation, then the complaint must allege the citizenship of both the State of incorporation and where the corporation has its principal place of business. 28 U.S.C. § 1332(c)(2); American Motorist Insur. Co. v. American Employers' Insur. Co., 600 F.2d 15, 16 & n. 1 (5th Cir. 1979) (per curiam). If the entity is a partnership, the complaint must indicate the citizenship of the individual partners, both general and limited. Carden v. Arkoma Associates, 494 U.S. 185 (1990). If the entity is an unincorporated association, the complaint must indicate the citizenship of each and every one of its members. Xaros v. U.S. Fidelity and Guar. Co., 820 F.2d 1176, 1181 (11th Cir. 1987). If the entity is a limited liability company, the complaint must allege "[t]he citizenships of all members

of the limited liability company." Rolling Greens MHP, L.P. v. Comcast SCH Holdings L.L.C., 374 F.3d 1020, 1022 (11 Cir. 2004). (And if the entity consists of several entities, the complaint must reflect the citizenship, or citizenships, of each and every entity based on the nature of that entity.)

It is therefore the ORDER, JUDGMENT, and DECREE of the court that the plaintiff has until May 20, 2011, to amend the complaint to allege jurisdiction sufficiently, see 28 U.S.C. § 1653; otherwise this lawsuit shall be dismissed without prejudice.

DONE, this the 3rd day of May, 2011.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE