



evidence of a party's domicile.”); *Fuller v. Home Depot Servs., LLC*, Civ. A. No. 1:07CV1268 RLV, 2007 WL 2345257, at \*3 (N.D. Ga. Aug. 14, 2007) (“[A]bsent any contradictory evidence, [parties’] place of residence is their domicile.” (quotation marks omitted)). “Citizenship is equivalent to ‘domicile’ for purposes of diversity jurisdiction.” *McCormick v. Aderholt*, 293 F.3d 1254, 1257 (11th Cir. 2002).

- Page 7, footnote 7 - That said, the undersigned recognizes that FirstFleet [] [is a] corporate citizen[] of Tennessee, *see, e.g., Auto-Owners Ins. Co. v. Great Am. Ins. Co.*, 479 Fed. App’x 228, 232 n.3 (11th Cir. June 21, 2012) (per curiam) (“For the purposes of diversity jurisdiction, ‘a corporation shall be deemed to be a citizen of every State . . . by which it has been incorporated and of the State . . . where it has its principal place of business.’” (quoting 28 U.S.C. § 1332(c)(1) (emphasis added)). **The undersigned also recognizes that Tennessee American is a citizen of Tennessee and Georgia. See *Rolling Greens, MHP, L.P. v. Comcast SCH Holdings, L.L.C.*, 374 F.3d 1020, 1022-23 (11th Cir. 2004) (For purposes of assessing diversity of citizenship, “a limited liability company is a citizen of any state of which a member of the company is a citizen.”). Accord *Mallory & Evans Contractors & Engineers, LLC v. Tuskegee Univ.*, 663 F.3d 1304, 1305 (11th Cir. 2011) (per curiam).** However, as Tennessee American has made clear . . .

Accordingly, it is **ORDERED** that Defendant FirstFleet, Inc.’s motion to dismiss, or alternatively, to stay (Doc. 30) is **GRANTED IN PART** and **DENIED IN PART**, as follows:

1. Plaintiff Great West Casualty Company’s duty-to-indemnify claims are **STAYED** until the earlier of (1) final disposition of the underlying state-court litigation; or (2) a ruling on the duty to defend, at which time the Court will entertain any motion that the parties may wish to file concerning the duty-to-indemnify claims;

and

2. the motion is **DENIED** as to Plaintiff Great West Casualty Company's duty-to-defend claims.

**DONE and ORDERED** this the **15<sup>th</sup>** day of **August 2013**.

/s/ Kristi K. DuBose

**KRISTI K. DuBOSE**

**UNITED STATES DISTRICT JUDGE**