

LINK: 1

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 10-6576 GAF (JCx)	Date	September 29, 2010
Title	Nikolai Grigoriev v. Dov Charney et al		

Present: The Honorable	<b>GARY ALLEN FEES</b>		
Renee Fisher	None	N/A	
Deputy Clerk	Court Reporter / Recorder	Tape No.	
Attorneys Present for Plaintiff:	Attorneys Present for Defendant:		
None	None		

**Proceedings: (In Chambers)**

**ORDER TO SHOW CAUSE RE:**

Plaintiff brings his state law claims against Defendant Directors Dov Charney, Adrian Kowalewski, Mark Samson, Keith Miller, Mark A. Thornton, Robert Greene, Allan Maybe, Neil Richardson, and American Apparel, Inc. as a nominal defendant under the Court’s diversity jurisdiction. 28 U.S.C. § 1332. Plaintiff’s diversity allegations are lacking because the Complaint fails to properly allege his own state of citizenship and that of each Defendant Director.

“[T]he diversity jurisdiction statute, 28 U.S.C. § 1332, speaks of citizenship, not of residency.” Kanter v. Warner-Lambert Co., 265 F.3d 853, 857 (9th Cir. 2001) (citing Newman-Green, Inc. v. Alfonzo-Larrain, 490 U.S. 826, 828 (1989)). A person’s state of citizenship is “determined by her state of domicile, not her state of residence.” Id.; see also Mantin v. Broad Music, Inc., 244 F.2d 204, 206 (9th Cir. 1957) (concluding that allegation that Plaintiff was “residing in the County of Los Angeles, State of California” failed to establish Plaintiff’s citizenship and thus diversity jurisdiction did not exist).

Here, Plaintiff’s Complaint fails to identify his own as well as each Defendants’ state of citizenship. (Compl. ¶¶ 13, 15-22.) Plaintiff’s allusion to the fact that “certain of the Individual Defendants are residents and citizens of California” is insufficient. (Id. ¶¶ 10-11.) Additionally, Plaintiff only specifically identifies the residency of each individual. (Id. ¶¶ 13, 15-22.) Under Mantin and subsequent case law, however, an individual’s citizenship is not determined by her state of residence. 244 F.2d at 206.

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No.	CV 10-6576 GAF (JCx)	Date	September 29, 2010
Title	Nikolai Grigoriev v. Dov Charney et al		

Accordingly, Plaintiff is **ORDERED TO SHOW CAUSE, no later than Friday, October 8, 2010**, why this case should not be dismissed for lack of subject matter jurisdiction. The filing of a written memorandum addressing the Court's concerns shall constitute a sufficient response to this order.

**IT IS SO ORDERED.**