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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES – GENERAL**

Case No. SACV12-807-JST (RNBx)

Date: May 31, 2012

Title: Titan Indemnity Co. v. Walter L. Eaton, Jr.

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Present: **Honorable JOSEPHINE STATON TUCKER, UNITED STATES DISTRICT JUDGE**

Ellen Matheson

Deputy Clerk

N/A

Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF:      ATTORNEYS PRESENT FOR DEFENDANT:

Not Present

Not Present

**PROCEEDINGS: (IN CHAMBERS) ORDER TO SHOW CAUSE WHY THIS  
CASE SHOULD NOT BE DISMISSED FOR LACK OF  
SUBJECT MATTER JURISDICTION**

This action was filed in this Court on May 18, 2012. However, it appears that the Court may lack subject matter jurisdiction. Jurisdiction has been asserted on the basis of diversity pursuant to 28 U.S.C. § 1332. Plaintiff Titan Indemnity Co. is a corporation; therefore, the Complaint must show that both the state of incorporation and the principal place of business of the Plaintiff are diverse from the Defendant in order to establish Diversity Jurisdiction. 28 U.S.C. § 1332(c). The Complaint states “[i]ncorporated there, [Plaintiff] is a Texas corporation, which is licensed and authorized to engage in the business of insurance in California.” (Compl. ¶ 2, Doc. 1.) While this statement provides Plaintiff’s state of incorporation, Plaintiff’s principal place of business is not clearly alleged. If California is the Plaintiff’s principal place of business, then the Plaintiff is not diverse from the Defendant and diversity is destroyed. *See Strawbridge v. Curtis*, 7 U.S. (3 Cranch) 267, 267 (1806).

Accordingly, the Court orders Plaintiff to show cause in writing no later than **June 13, 2012**, why this action should not be dismissed without prejudice for lack of subject matter jurisdiction. Failure to respond by the above date will result in the Court dismissing this action.

The Court further orders that Plaintiff shall promptly serve this minute order on any defendant who has been served with the Complaint, or who is served before the date specified above.

Initials of Preparer: enm