

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EXACT PROPERTY & CASUALTY
COMPANY,

Plaintiff,

v.

BROAN-NUTONE, LLC,

Defendant.

Case No. [17-cv-06770-JSW](#)

**ORDER TO SHOW CAUSE RE
JURISDICTION**

Re: Dkt. No. 1

On November 24, 2017, Defendant removed this action from Alameda County Superior Court and asserts that the Court has diversity jurisdiction over the action. Defendant alleges that its sole member is Nortek, Inc. a Delaware corporation with a principal place of business in Rhode Island. (Notice of Removal, ¶ 8.) Defendant alleges that Plaintiff is a resident of Oregon. According to the complaint, Plaintiff is “a corporation licensed and properly doing business in Oregon.” (Compl. ¶ 1.)

As Defendant notes in its Notice of Removal, “[a] corporation shall be deemed to be a citizen of every State and foreign state by which it has been incorporated and of the State or foreign state where it has its principal place of business[.]” 28 U.S.C. § 1332(c)(1). A corporation’s principal place of business is determined by the ““nerve center”” test. *Harris v. Rand*, 682 F.3d 846, 851 (9th Cir. 2012) (quoting *Hertz Corp. v. Friend*, 559 U.S. 77 (2010)). Thus, for purposes of diversity jurisdiction, “a corporation’s principal place of business ‘refer[s] to the place where a corporation’s officers direct, control, and coordinate the corporation’s activities.’” *Id.* (quoting *Hertz*, 559 U.S. at 92-93). This will usually be ““the place where the corporation maintains its headquarters -- provided that the headquarters is the actual center of direction, control, and coordination[.]”” *Id.* (quoting *Hertz*, 559 U.S. at 93).

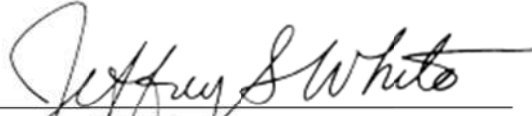
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Defendant has not supported its assertion that Plaintiff is a resident of Oregon with sufficient information, and the allegations in Plaintiff's complaint do not clearly show it is incorporated in or has a principal place of business in Oregon.

Accordingly, Defendant is HEREBY ORDERED TO SHOW CAUSE why the Court has jurisdiction over this case. Defendant's response to this Order to Show Cause shall be due by January 19, 2018.

IT IS SO ORDERED.

Dated: January 2, 2018



JEFFREY S. WHITE
United States District Judge