

United States District Court
Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 DISCHARGING ORDER TO
TO SHOW CAUSE RE JURISDICTION**

Re: Dkt. Nos. 1, 11, 12

On November 24, 2017, Defendant removed this action from Alameda County Superior Court and asserted 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.) Because the Court found the allegations regarding Plaintiff’s citizenship deficient, it issued an Order directing Defendant to show cause why jurisdiction exists. On January 19, 2018, Defendant filed a timely response to that Order to Show Cause.

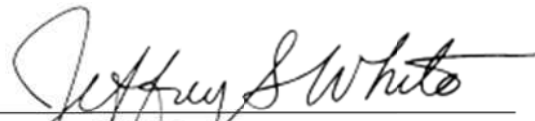
“A corporation shall be deemed to be a citizen of every State and foreign state by which it has been incorporated and of the State or foreign state where it has its principal place of business[.]” 28 U.S.C. § 1332(c)(1). A corporation’s principal place of business is determined by the “‘nerve center’” 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

1 the actual center of direction, control, and coordination[.]” *Id.* (quoting Hertz, 559 U.S. at 93).

2 In its response to the Order to Show Cause, Defendant has proffered sufficient evidence to
3 show that the corporate Plaintiff is a citizen of California and that Plaintiff is neither a citizen of
4 Rhode Island or Delaware. (*See generally* Dkt. No. 12-1, Declaration of Omar Parra.) Therefore,
5 the Court concludes all parties are diverse and that the amount in controversy satisfies the
6 jurisdictional threshold.

7 **IT IS SO ORDERED.**

8 Dated: January 23, 2018

9 
10 _____
11 JEFFREY S. WHITE
12 United States District Judge

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28