

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

ANDREW D. KOPPERL,

Plaintiff,

v.

3:09-cv-1754(CSH)

KENT S. BAIN, AUTOMOTIVE
RESTORATIONS, INC. and VINTAGE
RACING SERVICES, INC.,

Defendants.

ORDER REGARDING INSUFFICIENCY OF JURISDICTIONAL ALLEGATIONS

HAIGHT, Senior District Judge:

Plaintiff alleges diversity of citizenship under 28 U.S.C. § 1332, stating that Plaintiff Kopperl is a “resident of Westwood, Massachusetts” (Compl. ¶ 1), and that Defendant Bain is a “resident of Fairfield, Connecticut.” (Compl. ¶ 2) With respect to Defendants Automotive Restorations, Inc. (“ARI”) and Vintage Racing Services, Inc. (“VRS”), Plaintiff alleges that each is a “Connecticut corporation with an office and place of business in Stratford, Connecticut.” (Compl. ¶¶ 3-4).

The Court has examined *sua sponte* the sufficiency of these jurisdictional allegations and determined that additional information is required to confirm the existence of diversity jurisdiction.

It is firmly established that diversity of citizenship “should be distinctly and positively averred in the pleadings, or should appear with equal distinctness in other parts of the record.” *Wolfe v. Hartford Life & Annuity Ins. Co.*, 148 U.S. 389, 13 S.Ct. 602, 37 L.Ed. 493 (1893). It is also clear that a statement of the parties’ residence is insufficient to establish their citizenship. *Id.*; *John Birch Soc’y v. National Broadcasting Co.*, 377 F.2d 194, 199 (2d Cir.1967).

Leveraged Leasing Admin. Corp. V. PacifiCorp Capital, Inc., 87 F.3d 44, 47 (2d Cir. 1996).

Statements of residence, such as that made regarding Plaintiff and individual Defendant Bain, are insufficient because citizenship for diversity purposes is determined by an individual's domicile, not residence. An individual may have several residences. He or she can have only one legal domicile. The citizenship of a corporation is that of its state of incorporation and its *principal* place of business, not merely any location where it has "an office and place of business."

(Compl. ¶¶ 3-4).

Plaintiff is directed to file and serve an amended complaint not later than **November 30, 2009**, containing sufficient jurisdictional allegations with respect to himself and Defendants. Plaintiff is also ordered to serve a copy of this order on Defendants on or before **November 30, 2009**. All proceedings in the case are **STAYED** pending the filing of an amended complaint in conformity with this Order.

It is SO ORDERED.

Dated: New Haven, Connecticut

November 9, 2009

/s/ Charles S. Haight, Jr.
Charles S. Haight, Jr.
Senior United States District Judge