

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

EDWARD OSBORNE,

Plaintiff,

vs.

Case No. 2:11-cv-691-FtM-29DNF

WELLS FARGO ADVISORS LLC, f/k/a
WACHOVIA SECURITIES LLC.

OPINION AND ORDER

This matter comes before the Court on review of the Notice of Removal (Doc. #1). Because there are insufficient allegations that this Court has subject matter jurisdiction, defendant will be required to file a supplemental Notice of Removal before proceeding further.

Subject-matter jurisdiction in the Notice of Removal is premised on diversity of citizenship under Title 28, United States Code, Section 1332. This requires complete diversity of citizenship, and that the matter in controversy exceed the sum or value of \$75,000, exclusive of interest and costs. 28 U.S.C. § 1332(a); Morrison v. Allstate Indem. Co., 228 F.3d 1255, 1261 (11th Cir. 2000). A limited liability company is a citizen of any state of which a member is a citizen. Rolling Greens MHP, L.P. v. Comcast SCH Holdings L.L.C., 374 F.3d 1020, 1022 (11th Cir. 2004). "In order to be a citizen of a State within the meaning of the diversity statute, a natural person must both be a citizen of the


United States and be domiciled within the State.” Newman-Green, Inc. v. Alfonso-Larrain, 490 U.S. 826, 828 (1989). Pleading residency is not the equivalent of pleading domicile. Corporate Mgmt. Advisors, Inc. v. Artjen Complexus, Inc., 561 F.3d 1294, 1297 (11th Cir. 2009); Taylor v. Appleton, 30 F.3d 1365, 1367 (11th Cir. 1994). “A person’s domicile is the place of his true, fixed, and permanent home and principal establishment, and to which he has the intention of returning whenever he is absent therefrom.” McCormick v. Aderholt, 293 F.3d 1254, 1257-58 (11th Cir. 2002) (internal quotations and citations omitted). The Notice of Removal does not sufficiently plead the citizenship of either party.

Accordingly, it is now

ORDERED:

Defendant shall file an Amended Notice of Removal setting forth the citizenship of the parties **on or before June 11, 2012**.

DONE AND ORDERED at Fort Myers, Florida, this 24th day of May, 2012.



JOHN E. STEELE
United States District Judge

Copies:
Counsel of record