

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

BRADY MACCASLAND, INC.,

Plaintiff

v.

No. 16-0380-DRH

**JAMES WOMACK and
JORDAN WOMACK,**

Defendants.

MEMORANDUM and ORDER

HERNDON, District Judge:

On April 5, 2016, plaintiff filed suit against defendants for breach of contract based on diversity jurisdiction, 28 U.S.C. § 1332 (Doc. 1). However, a review of the complaint reveals that plaintiff alleged residency rather than citizenship as to the parties in the complaint. “[R]esidence and citizenship are not synonyms and it is the latter that matters for purposes of the diversity jurisdiction.” *Meyerson v. Harrah's E. Chicago Casino*, 299 F.3d 616, 617 (7th Cir. 2002). *See also Tylka v. Gerber Prods. Co.*, 211 F.3d 445, 448 (7th Cir. 2000) (“[A]llegations of residence are insufficient to establish diversity jurisdiction.”); *Held v. Held*, 137 F.3d 998, 1000 (7th Cir. 1998) (same). Further, a corporation is deemed a citizen of both the state of incorporation and its principal place of business. *N.*

Bunge Corp., 899 F.2d 591, 594 (7th Cir.1990); *see* 28 U.S.C. § 1332(c)(1). The term “principal place of business” refers to the corporation's “nerve center”—the place where a corporation's officers direct, control, and coordinate the corporation's activities. *Hertz Corp. v. Friend*, 559 U.S. 77, 92–93, 130 S.Ct. 1181, 175 L.Ed.2d 1029 (2010). Thus, the Court **DISMISSES without prejudice** plaintiff's complaint. The Court **ALLOWS** plaintiff up to and including May 6, 2016 to file an amended complaint that comports with this Order.

IT IS SO ORDERED.

Signed this 7th day of April, 2016.

Digitally signed by
Judge David R.
Herndon
Date: 2016.04.07
13:27:30 -05'00'

The image shows a digital signature in blue ink that reads "David R. Herndon". To the right of the signature is the official seal of the United States District Court for the Southern District of New York. The seal features an eagle with wings spread, perched on a shield with a red and white striped field and a blue chief with stars. The words "UNITED STATES DISTRICT COURT" and "SOUTHERN DISTRICT OF NEW YORK" are inscribed around the perimeter of the seal.

United States District Judge