

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

TODD OSLUND,

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Plaintiff,

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v.

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CAUSE NO. 1:12-CV-388

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**THE LINCOLN NATIONAL LIFE
INSURANCE COMPANY and LINCOLN
NATIONAL CORPORATION,**

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Defendants.

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OPINION AND ORDER

This case was filed in this Court on November 7, 2012, based on diversity jurisdiction pursuant to 28 U.S.C. § 1332(a). (Docket # 1.) The Complaint alleges that Defendant Lincoln National Corporation “was a resident and citizen of the State of Pennsylvania with its principal place of business being Radnor, Pennsylvania.” (Compl. ¶ 3.)

The Complaint, however, inadequately alleges the citizenship of Lincoln National Corporation. Corporations “are deemed to be citizens of the state in which they are incorporated and of the state in which they have their principal place of business.” *N. Trust Co. v. Bunge Corp.*, 899 F.2d 591, 594 (7th Cir. 1990) (emphasis added); *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*, 130 S. Ct. 1181, 1192 (2010). Thus, the Court must be apprised of both facts—the state of incorporation and the state in which the principal place of business is located—with respect to Defendant Lincoln National Corporation. Here, although the Complaint alleges that Lincoln

National Corporation has its principal place of business in Pennsylvania, it contains no allegations concerning Lincoln National Corporation's state of incorporation.

Therefore, Plaintiff is ORDERED to supplement the record by filing an Amended Complaint on or before November 23, 2012, properly alleging the citizenship of Defendant Lincoln National Corporation by including its state of incorporation.

SO ORDERED.

Enter for this 8th day of November, 2012.

/S/ Roger B. Cosby
Roger B. Cosby,
United States Magistrate Judge