

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

RICHARD STEPHENSON, *personal*)
representative of the estate of SUZANNE K.)
STEPHENSON, *deceased,*)

Plaintiff,)

v.)

CAUSE NO. 1:13-CV-45

SCOTT A. SAUNDERS, *individually,* and)
KUTZLER EXPRESS, INC.,)

Defendants.)

OPINION AND ORDER

This case was filed in this Court on February 19, 2013, based on diversity jurisdiction pursuant to 28 U.S.C. § 1332(a). (Docket # 1.) The Complaint alleges that Defendant “Kutzler Express, Inc. is a Wisconsin corporation and a citizen of the State of Wisconsin.” (Compl. ¶ 5.)

The Complaint, however, is inadequate as to Defendant Kutzler Express, Inc. because 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 Kutzler Express, Inc. Here, although the Complaint alleges that Kutzler Express, Inc. is a Wisconsin corporation,

thereby implying its state of incorporation, it contains no allegations concerning the state in which Kutzler Express, Inc. maintains its principal place of business.

Therefore, Plaintiff is ORDERED to supplement the record by filing an Amended Complaint on or before March 7, 2013, properly alleging the citizenship of Defendant Kutzler Express, Inc. by including the state in which its principal place of business is located.

SO ORDERED.

Enter for this 21st day of February, 2013.

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