

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

WATERFURNACE INTERNATIONAL, INC.,))) Plaintiff,))) v.) CAUSE NO. 1:15-CV-8)) B&S SHEET METAL MECHANICAL, INC.,) et al.,))) Defendants.)	
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OPINION AND ORDER

Pro se Defendant William Craig Jackson removed this case here on January 12, 2015, from Allen Superior Court, alleging that the Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332. (Docket # 1.) In the Notice of Removal, Jackson alleges: “[Plaintiff] is a corporate citizen of the State of Indiana, with its primary offices in Allen County. Defendants are individuals and/or corporate citizens of the Commonwealth of Pennsylvania.” (Notice of Removal ¶ 5.) Jackson’s jurisdictional allegations, however, are inadequate.

As the party seeking to invoke federal diversity jurisdiction, Jackson bears the burden of demonstrating that the requirement of complete diversity has been met. *Chase v. Shop’n Save Warehouse Foods, Inc.*, 110 F.3d 424, 427 (7th Cir. 1997). Anything less can result in a dismissal or remand for want of jurisdiction. *Mut. Assignment & Indem. Co. v. Lind-Waldock & Co., LLC*, 364 F.3d 858, 861 (7th Cir. 2004). Jackson cannot, as he attempts to do here, merely allege a “naked declaration that there is diversity of citizenship” in his Notice of Removal. *Thomas v. Guardsmark, LLC*, 487 F.3d 531, 533 (7th Cir. 2007).

With respect to Defendants William Craig Jackson and Garth C. Jackson, an individual’s citizenship is determined by his domicile. *Dakuras v. Edwards*, 312 F.3d 256, 258 (7th Cir.

2002); *see Heinen v. Northrop Grumman Corp.*, 671 F.3d 669, 670 (7th Cir. 2012) (“But residence may or may not demonstrate citizenship, which depends on domicile—that is to say, the state in which a person intends to live over the long run.”); *Guar. Nat’l Title Co. v. J.E.G. Assocs.*, 101 F.3d 57, 58-59 (7th Cir. 1996) (explaining that statements concerning a party’s “residency” are not proper allegations of citizenship as required by 28 U.S.C. § 1332). Therefore, to determine citizenship, the Court must be advised of the domicile of Defendants William Craig Jackson and Garth C Jackson.

And as to Plaintiff Waterfurnace International, Inc., and Defendant B&S Sheet Metal Mechanical, Inc., corporations “are deemed to be citizens of the state in which they are incorporated and 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); *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 (2010). Therefore, for both Waterfurnace International, Inc., and B&S Sheet Metal Mechanical, Inc., the Court must be apprised of their state of incorporation and the state in which they have their principal place of business.

Finally, in regard to Defendant Jackson Geothermal HVAC and Drilling LLC, a limited liability company’s citizenship “for purposes of . . . diversity jurisdiction is the citizenship of its members.” *Cosgrove v. Bartolotta*, 150 F.3d 729, 731 (7th Cir. 1998). Therefore, the Court must be advised of each member of Jackson Geothermal HVAC and Drilling LLC, and such member’s citizenship (“traced through multiple levels” of ownership if such member is an unincorporated association, partnership, or limited liability company, *Mut. Assignment & Indem.*

Co., 364 F.3d at 861), to ensure that none of the members share a common citizenship with Plaintiff. *Hicklin Eng'g, L.C. v. Bartell*, 439 F.3d 346, 347 (7th Cir. 2006); *see generally Guar. Nat'l Title Co.*, 101 F.3d at 59 (explaining that the court would “need to know the name and citizenship(s)” of each partner for diversity jurisdiction purposes).

Therefore, Jackson is ORDERED to supplement the record on or before January 29, 2015, by filing an Amended Notice of Removal that recites each party’s citizenship, including the identity and citizenship of each member of Defendant Geothermal HVAC and Drilling, LLC, tracing citizenship through all applicable layers of ownership.

SO ORDERED.

Enter for this 15th day of January 2015.

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