

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

BIRCH REA PARTNERS, INC.,)	
Plaintiff,)	
)	
v.)	CAUSE NO. 1:18-CV-30-TLS-PRC
)	
REGENT BANK, STONEGATE BANK, and)	
HOME BANCSHARES, INC.,)	
Defendants.)	

OPINION AND ORDER

This matter is before the Court sua sponte.

Plaintiff Birch|REA Partners, Inc. filed a Complaint in the United States District Court for the Southern District of Florida on February 13, 2018, based on diversity jurisdiction pursuant to 28 U.S.C. § 1332(a). By Order dated February 22, 2018, the case was transferred to this district.

The Court must continuously police its subject matter jurisdiction. *Hay v. Ind. State Bd. of Tax Comm'rs*, 312 F.3d 876, 879 (7th Cir. 2002). As the party seeking to invoke federal diversity jurisdiction, Plaintiff 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. *Mut. Assignment & Indem. Co. v. Lind-Waldock & Co., LLC*, 364 F.3d 858, 861 (7th Cir. 2004). The jurisdictional allegations of the Complaint are deficient because there is insufficient information to determine the citizenship of Plaintiff and of Defendant Home BancShares, Inc. Both of these parties are corporations.

A corporation is a citizen of every state and foreign state in which it has been incorporated and the state or foreign state where it has its principal place of business. *See* 28 U.S.C. § 1332(c)(1); *see also Hertz Corp. v. Friend*, 559 U.S. 77, 92-93 (2010) (holding that the term “principal place of business” refers to the corporation’s “nerve center,” that is, the place where a corporation’s

officers direct, control, and coordinate the corporation's activities). The Complaint alleges only that Plaintiff is a Massachusetts corporation with a Massachusetts address. Similarly, the Complaint alleges only that Defendant Home BancShares, Inc. is an Arkansas corporation with a registered address in Arkansas. There is no allegation of either party's principal place of business. Plaintiff must correct these deficiencies.

Accordingly, the Court **ORDERS** Plaintiff Birch|REA Partners, Inc. to **FILE** a Supplemental Jurisdictional Statement, which alleges the principal place of business for Plaintiff and Defendant Home BancShares, Inc., on or before **March 9, 2018**.

SO ORDERED this 26th day of February, 2018.

s/ Paul R. Cherry
MAGISTRATE JUDGE PAUL R. CHERRY
UNITED STATES DISTRICT COURT