

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

JANET SHROCK AND)	
FRED SHROCK,)	
)	
PLAINTIFFS,)	
)	
vs.)	CAUSE No. 3:12-CV-726-RLM-CAN
)	
NEW ENGLAND COMPOUNDING)	
PHARMACY, INC.,)	
)	
DEFENDANT.)	

OPINION and ORDER

On November 27, the court gave plaintiffs Janet and Fred Shrock twenty days to correct the jurisdictional deficiencies in their complaint. Mr. and Mrs. Shrock filed an amended complaint on December 4, 2012, realleging that Mrs. Shrock was a resident of Elkhart County, Indiana and identifying Mr. Shrock as a resident of Elkhart County, Indiana. The plaintiffs' amended complaint doesn't sufficiently identify the citizenship of either plaintiff. As the court noted in its previous order, the citizenship of an individual depends on domicile, not residence. Heinen v. Northrop Grumman Corp., 671 F.3d 669, 670 (7th Cir. 2012).

The plaintiffs' complaint also doesn't sufficiently identify the citizenship of defendant New England Compounding Pharmacy, Inc. For a corporation, "the plaintiff must allege both the state of incorporation and the state of the principal place of business." McCready v. eBay, Inc., 453 F.3d 882, 891 (7th

Cir. 2006) (quoting Casio, Inc. v. S.M. & R. Co., Inc., 755 F.2d 528, 529–530 (7th Cir.1985)). The principal place of business is “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). This “nerve center” of the corporation is typically - but not always - the corporation’s headquarters. Id.

The court accordingly, affords the plaintiffs fourteen days from the date of his order within which to file a second amended complaint remedying the jurisdictional deficiencies. Failure to do so may result in dismissal. See Thomas v. Guardsmark, LLC, 487 F.3d 531, 534 (7th Cir. 2007); Holz v. Terre Haute Regional Hospital, 123 Fed.Appx. 712, 713-714 (7th Cir. 2005).

SO ORDERED.

ENTERED: December 6, 2012

_____/s/ Robert L. Miller, Jr._____
Judge
United States District Court