

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

BRADLEY GOATLEY,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:17-cv-01321-TWP-MJD
)	
WAL-MART a/k/a WAL-MART STORES)	
EAST, LP,)	
WAL-MART STORES, INC.,)	
WAL-MART PROPERTIES, INC.,)	
WAL-MART REAL ESTATE BUSINESS)	
TRUST,)	
SAM’S CLUB a/k/a SAM’S EAST, INC.,)	
)	
Defendants.		

ENTRY ON JURISDICTION

It has come to the Court’s attention that Plaintiff’s Complaint fails to allege all of the facts necessary to determine whether this Court has subject matter jurisdiction over this case. The Complaint alleges that this Court has jurisdiction based upon diversity of citizenship. However, the Complaint fails to sufficiently allege the citizenship of the parties. Citizenship is the operative consideration for jurisdictional purposes. *See Meyerson v. Harrah’s East Chicago Casino*, 299 F.3d 616, 617 (7th Cir. 2002) (“residence and citizenship are not synonyms and it is the latter that matters for purposes of the diversity jurisdiction”). The citizenship of a corporation is “both the state of incorporation and the state in which the corporation has its principal place of business.” *Westfield Ins. Co. v. Kuhns*, 2011 U.S. Dist. LEXIS 138262, at *3 (S.D. Ind. Nov. 30, 2011).

The Notice of Removal alleges:

Wal-Mart Stores East, LP, is a Delaware limited partnership, of which WSE Management, LLC is the general partner, and WSE Investment, LLC is the limited partner. The sole member of both WSE Management, LLC and WSE Investment, LLC is Wal-Mart Stores East, LLC, an Arkansas limited liability company whose

sole member is Wal-Mart Stores, Inc. The principal place of business for all entities mentioned is Bentonville, Arkansas. Wal-Mart Stores, Inc., a Delaware corporation, is a publicly traded company on the New York Stock Exchange and traded under the symbol WMT. The principal place of business for Wal-Mart Stores, Inc. is Bentonville, Arkansas. No publicly traded entity owns more than 10% of the company. Thus, for purposes of diversity jurisdiction, Wal-Mart Stores East, LP is a citizen of Delaware and Arkansas.

...

Wal-Mart Real Estate Business Trust, a Delaware real estate business trust, is an indirectly, wholly-owned subsidiary of Wal-Mart Stores, Inc. The direct parent is Wal-Mart Property Co., of which Wal-Mart Stores East, LP is the direct parent. Wal-Mart Stores East, LP, is a Delaware limited partnership, of which WSE Management, LLC is the general partner, and WSE Investment, LLC is the limited partner. The sole member of WSE Management, LLC and WSE Investment, LLC is Wal-Mart Stores East, LLC (f/k/a Wal-Mart Stores East, Inc.). The sole member of Wal-Mart Stores East, LLC is Wal-Mart Stores, Inc. The principal place of business of Wal-Mart Real Estate Business Trust is Bentonville, Arkansas.

Sam's East, Inc., an Arkansas corporation, is a wholly-owned subsidiary of Wal-Mart Stores, Inc.

[\(Filing No. 1 at 1-2.\)](#) These jurisdictional allegations do not establish the citizenship of Defendants Wal-Mart Stores, Inc.; Wal-Mart Properties, Inc.; Wal-Mart Real Estate Business Trust; or Sam's East, Inc. because they fail to allege the states of incorporation.

Additionally, the Notice of Removal fails to sufficiently allege the citizenship of Defendant Wal-Mart Stores East, L.P.'s general and limited partners—WSE Management, LLC and WSE Investment, LLC. The Notice of Removal lists Wal-Mart Stores East, LLC as the sole member of both WSE Management, LLC and WSE Investment, LLC. It also states that the sole member of Wal-Mart Stores East, LLC is Wal-Mart Inc. The Notice of Removal, however, fails to allege Wal-Mart Inc.'s state of incorporation. Alleging the identity and citizenship of each of the members and each of the partners is necessary for this Court to determine whether it has jurisdiction.

Therefore, Defendants are **ORDERED** to file a Supplemental Jurisdictional Statement that establishes the Court's jurisdiction over this case. This statement should specifically identify the

citizenship of the parties. This jurisdictional statement is due **fourteen (14) days** from the date of this Entry.

SO ORDERED.

Date: 5/2/2017



TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana

Distribution:

Thomas L. Davis
FROST BROWN TODD LLC
tdavis@fbtlaw.com

Richard A. Cook
YOSHA COOK & TISCH
rcook@yoshalaw.com