

**UNITED STATES DISTRICT COURT**  
**MIDDLE DISTRICT OF LOUISIANA**

**SANDRA C. UNDERWOOD, ET AL**

**CIVIL ACTION**

**VERSUS**

**NO. 14-188-BAJ-RLB**

**GENERAL MOTORS, LLC**

**ORDER**

The court *sua sponte* notes the potential insufficiency of the defendant's allegation of the citizenship of the parties as follows;

1.     \_\_\_ A party invoking diversity jurisdiction must allege the *citizenship* rather than mere residence of an individual. In addition, see [28 U.S.C. §1332\(c\)\(2\)](#) for infants, minors and an incompetent. The *citizenship* of \_\_\_\_\_ is not provided.
2.     \_\_\_ A party invoking diversity jurisdiction must allege both the state of incorporation and principal place of business of each corporate party. See, e.g., [Illinois Central Gulf Railroad Co. v. Pargas, Inc., 706 F.2d 633 \(5<sup>th</sup> Cir. 1983\)](#). The state of incorporation and principal place of business of \_\_\_\_\_ is not provided.<sup>1</sup>
3.     \_\_\_ A party invoking diversity jurisdiction must allege both the state of incorporation and principal place of business of each corporate party. See, e.g., [Illinois Central Gulf Railroad Co. v. Pargas, Inc., 706 F.2d 633 \(5<sup>th</sup> Cir. 1983\)](#). **Even when a liability insurer takes on its insured's citizenship under 28 U.S.C. § 1332(c)(1), its own citizenship still is considered in determining whether complete diversity exists.** The state of incorporation and principal place of business of \_\_\_\_\_ is not provided.<sup>2</sup>
4.     X A party invoking diversity jurisdiction must properly allege the citizenship of a limited liability company. The citizenship of a limited liability company for diversity purposes is determined by the citizenship of **its members**. The citizenship of **all of the members** of a limited liability company must be properly alleged. In the event a member of a limited liability company is another limited liability

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<sup>1</sup>The phrase "principal place of business" in §1332(c)(1) refers to the place where a corporation's high level officers direct, control, and coordinate the corporation's activities, *i.e.*, its "nerve center," which will typically be found at its corporate headquarters. [Hertz Corp. v. Friend, 130 S.Ct. 1181, 175 L.Ed.2d 1029 \(2010\)](#)

<sup>2</sup>See footnote 1.

company, the members of that limited liability company must be properly alleged as well. See [Harvey v. Grey Wolf Drilling Co., 542 F.3d 1077, 1080 \(5<sup>th</sup> Cir. 2008\)](#). The complete citizenship of **General Motors, LLC** is not provided. The defendant states in the notice of removal (R. Doc. 1 at VI) that General Motors Holdings, LLC owns 100% of General Motors, LLC and that General Motors Company owns 100% of General Motors Holdings, LLC. However, it does not identify the **members of General Motors, LLC and General Motors Holdings, LLC**.

5. \_\_\_\_\_ A party invoking diversity jurisdiction must properly allege the citizenship of a general partnership, a limited liability partnership, and a limited partnership. A general partnership, a limited liability partnership, and a limited partnership has the citizenship of each one of its partners. Both the general partner and limited partner must be alleged to establish citizenship of a limited partnership. See [International Paper Co. v. Denkmann Assoc., 116 F.3d 134, 137 \(5<sup>th</sup> Cir. 1997\)](#); [Carden v. Arkoma Associates, 494 U.S. 185 \(1990\)](#). The citizenship of \_\_\_\_\_ is not provided.
6. \_\_\_\_\_ A party invoking diversity jurisdiction must properly allege the citizenship of Underwriters at Lloyd's, London. The citizenship of Underwriters at Lloyd's, London has not been provided. See [Corfield v. Dallas Glen Hills LP, 355 F.3d 853 \(5<sup>th</sup> Cir. 2003\)](#).
7. \_\_\_\_\_ A party invoking diversity jurisdiction must properly allege the citizenship of a sole proprietorship. A business entity cannot be both a corporation and sole proprietorship; therefore the court seeks to clarify the identity of plaintiff/defendant. Case law suggests that the citizenship of a sole proprietorship for diversity purposes is determined by the citizenship of its members and/or owners. See [Linder Enterprises v. Martinringle, No. 07-1733, 2007 WL 3095382 \(N.D. Tex., Oct. 22, 2007\)](#). The citizenship of \_\_\_\_\_ is not provided.

Accordingly,

**IT IS ORDERED**, pursuant to [28 U.S.C. §1653](#), that, on or before **May 2, 2014**, the defendant shall file an amended notice of removal providing its citizenship, by setting forth all citizenship particulars required to sustain federal diversity jurisdiction.

Signed in Baton Rouge, Louisiana, on April 11, 2014.



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**RICHARD L. BOURGEOIS, JR.**  
**UNITED STATES MAGISTRATE JUDGE**