

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

ARCH INSURANCE COMPANY

CIVIL ACTION

VERSUS

NO. 15-721-JWD-EWD

OUTREACH COMMUNITY  
DEVELOPMENT CORPORATION**ORDER REGARDING MOTION TO SUBSTITUTE THE SUPPLEMENTAL AND  
AMENDED COMPLAINT FOR DECLARATORY JUDGMENT OF ARCH  
INSURANCE COMPANY**

Before the court is a Motion to Substitute the Supplemental and Amended Complaint for Declaratory Judgment of Arch Insurance Company (the “Motion to Substitute”).<sup>1</sup>

On December 14, 2016, Arch Insurance Company (“Arch”) filed a Motion, and Incorporated Memorandum, for Leave to File a Supplemental and Amended Complaint for Declaratory Judgment (the “Motion for Leave”).<sup>2</sup> On December 15, 2016, this court ordered Arch to file a motion to substitute the proposed pleading (R. Doc. 33-2) with a proposed pleading that: (1) is comprehensive; and (2) properly sets forth the citizenship of the parties.<sup>3</sup> The court further ordered that Arch state in its motion to substitute whether defendant consents to the filing of Arch’s amended pleading.<sup>4</sup>

On December 22, 2016, Arch filed the instant Motion to Substitute. Therein, Arch asserts that “Defendant OCDC has reviewed the Supplemental and Amended Complaint and consents to its filing.”<sup>5</sup> The proposed amended pleading (R. Doc. 35-2) asserts that Arch is “a foreign insurer domiciled in Missouri with the principal place of business of 300 Plaza Three, Jersey City, NJ

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<sup>1</sup> R. Doc. 35.

<sup>2</sup> R. Doc. 33.

<sup>3</sup> R. Doc. 34.

<sup>4</sup> R. Doc. 34.

<sup>5</sup> R. Doc. 35, ¶ 9.

07311-1107...” and that defendant is “a Louisiana non-profit corporation domiciled at 1517 Statesman Road, Opelousas, Louisiana 70570, with the principal place of business of Louisiana....”<sup>6</sup> By the proposed amended complaint, Arch “re-avers, re-alleges, and incorporates all allegations made in its original Complaint for Declaratory Judgment.”<sup>7</sup>

Despite this court’s December 15, 2016 Order,<sup>8</sup> the proposed amended complaint is not comprehensive and does not adequately allege Arch’s citizenship.<sup>9</sup> Arch’s attempt to incorporate all allegations made in its original Complaint for Declaratory Judgment is not sufficient to comply with this court’s Order. To comply with this court’s Order, Arch must move to substitute an amended complaint that includes (rather than incorporates by reference) all of Arch’s allegations, including those that remain active as set forth in the original Complaint, in one comprehensive pleading. Additionally, to properly allege its citizenship, Arch must allege its state of incorporation as well as the state of its principal place of business.<sup>10</sup> 28 U.S.C. § 1332(c). See also, *Getty Oil, Div. of Texaco v. Ins. Co. of North America*, 841 F.2d 1254, 1259 (5th Cir. 1998) (In diversity cases involving corporations, “allegations of citizenship must set forth the state of incorporation as well as the principal place of business of each corporation.”).

Accordingly,

**IT IS HEREBY ORDERED** that the Motion to Substitute the Supplemental and Amended Complaint for Declaratory Judgment of Arch Insurance Company<sup>11</sup> is **DENIED**.

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<sup>6</sup> R. Doc. 35-2, p. 1.

<sup>7</sup> R. Doc. 35-2, ¶ 4.

<sup>8</sup> R. Doc. 34.

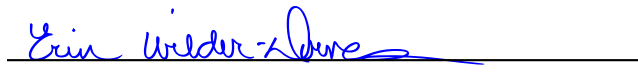
<sup>9</sup> Arch’s allegations regarding OCDC’s citizenship are sufficient, because Arch alleges that OCDC is a Louisiana corporation with its principal place of business in Louisiana.

<sup>10</sup> Arch’s allegation that it is “a foreign insurer domiciled in Missouri” does not explicitly allege its corporate status nor its state of incorporation.

<sup>11</sup> R. Doc. 35.

**IT IS FURTHER ORDERED** that Arch Insurance Company file a motion to substitute the proposed pleading (R. Doc. 33-2) with a proposed pleading that: (1) is comprehensive; and (2) properly sets forth the citizenship of the parties. Arch shall have seven (7) days from the date of this Order to file the motion to substitute without further leave of court.

Signed in Baton Rouge, Louisiana, on January 4, 2017.



**ERIN WILDER-DOOMES**  
**UNITED STATES MAGISTRATE JUDGE**