## UNITED STATES DISTRICT COURT

## MIDDLE DISTRICT OF LOUISIANA

KATHERINE COLLINS LANTZ, ET AL

**CIVIL ACTION** 

**VERSUS** 

NO. 16-318-JJB-RLB

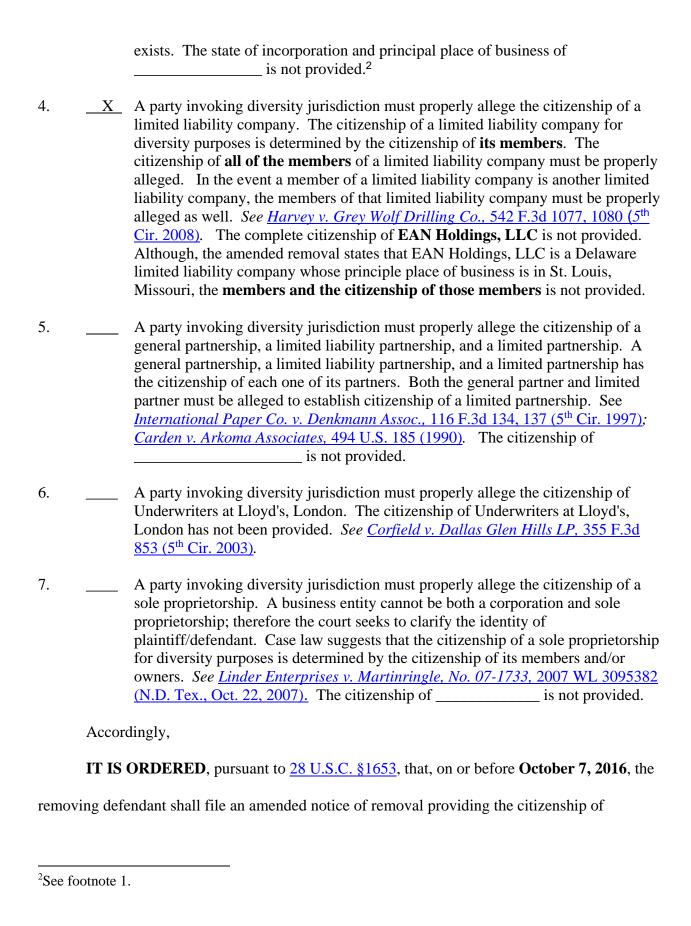
PROGRESSIVE CASUALTY INSURANCE ET AL

## ORDER

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

A party invoking diversity jurisdiction must allege the *citizenship* rather than 1. 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. X A party invoking diversity jurisdiction must allege both the state of incorporation 2. and principal place of business of each corporate party. See, e.g., Illinois Central Gulf Railroad Co. v. Pargas, Inc., 706 F.2d 633 (5th Cir. 1983). The Amended Removal provides the domiciliary address of Affirmative Casualty Insurance Company (counsel indicates this is the previous name of USAgencies, LLC) as Baton Rouge, Louisiana, and the administrative address as Addison, Texas. However, the state of incorporation and principal place of business **Affirmative** Casualty Insurance Company 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 (5th 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

<sup>&</sup>lt;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. <u>Hertz Corp. v. Friend</u>, 130 S.Ct. 1181, 175 L.Ed.2d 1029 (2010)



defendants **USAgencies and EAN Holdings, LLC** by setting forth all citizenship particulars required to sustain federal diversity jurisdiction.

Signed in Baton Rouge, Louisiana, on September 27, 2016.

RICHARD L. BOURGEOIS, JR.

UNITED STATES MAGISTRATE JUDGE