## UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF LOUISIANA

SOUTHERNTIDE MARINE, INC.

**CIVIL ACTION** 

**VERSUS** 

NO. 16-718-JJB-RLB

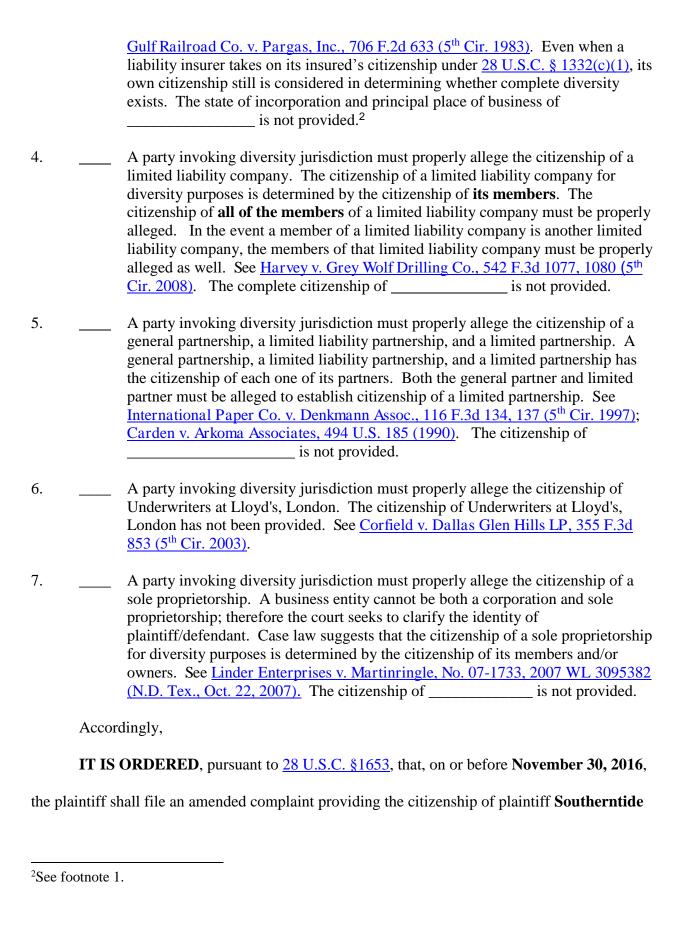
SMITH MARITIME, INC.

## ORDER

The court sua sponte notes the potential insufficiency of the plaintiff's allegation of the citizenship of the parties as follows:

- A party invoking diversity jurisdiction must allege the citizenship of an individual. An individual's citizenship is determined by his or her domicile, rather than residence. See Preston v. Tenet Healthsystem Memorial Medical Center, Inc., 485 F.3d 793, 799 (5th Cir. 2007). In addition, see 28 U.S.C. §1332(c)(2), for infants, the deceased and the incompetent. The citizenship of \_\_\_\_\_\_ is not provided.
  X A party invoking diversity jurisdiction must allege both the state of incorporation and principal place of business¹ of each corporate party. See, e.g., Illinois Central Gulf Railroad Co. v. Pargas, Inc., 706 F.2d 633 (5th Cir. 1983). The principal place of business of Southerntide Marine, Inc. is not provided. The complaint states that it has a registered office address in Gulf Shores. Alabama but does not indicate.
  - Gulf Railroad Co. v. Pargas, Inc., 706 F.2d 633 (5<sup>th</sup> Cir. 1983). The principal place of business of **Southerntide Marine, Inc.** is not provided. The complaint states that it has a registered office address in Gulf Shores, Alabama but does not indicate whether that is its principal place of business. In addition, the principal place of business of **Smith Maritime, Inc.** is not provided. The complaint states that Smith Martime, Inc. has a principal business address in Green Cove Springs, FL but does not indicate whether that is its principal place of business.
- 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., <u>Illinois Central</u>

<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, 130 S.Ct. 1181, 175 L.Ed.2d 1029 (2010)</u>



**Marine, Inc.** and defendant **Smith Maritime, Inc.**, by setting forth all citizenship particulars required to sustain federal diversity jurisdiction.

Signed in Baton Rouge, Louisiana, on November 14, 2016.

RICHARD L. BOURGEOIS, JR.

UNITED STATES MAGISTRATE JUDGE