UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF LOUISIANA

SYLVESTER DOVE

CIVIL ACTION

VERSUS

NO. 16-740-JJB-RLB

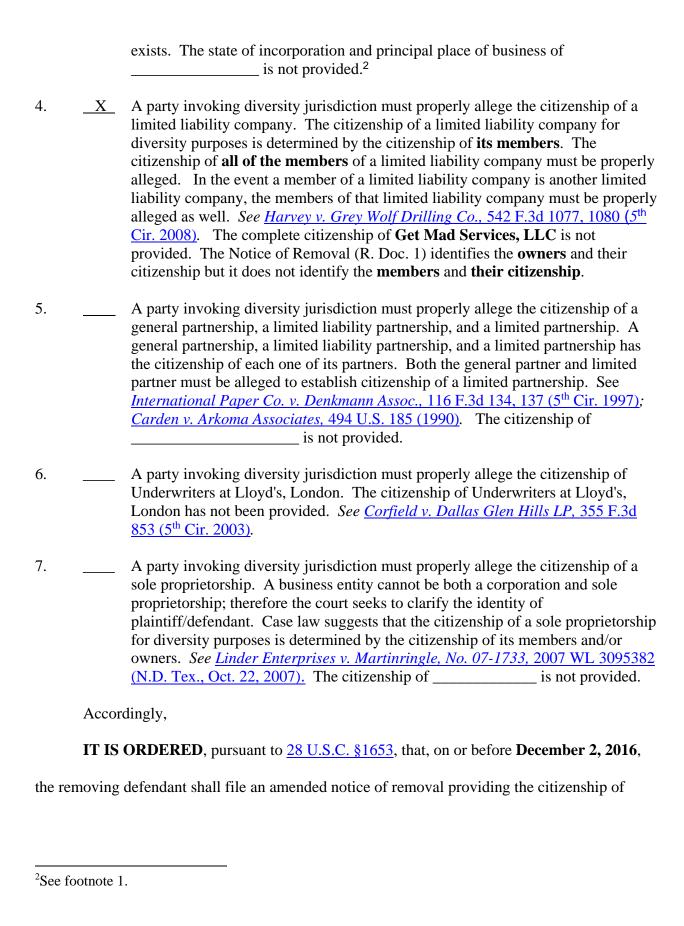
STATE FARM FIRE AND CASUALTY COMPANY, ET AL

ORDER

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

- 1. ____ 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.
- 2. 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., <u>Illinois Central Gulf Railroad Co. v. Pargas, Inc.</u>, 706 F.2d 633 (5th Cir. 1983). The principal place of business of **Bear Industries, Inc.** is not provided.
- 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

¹ 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 **Bear Industries**, **Inc.** and **Get Mad Services**, **LLC**, by setting forth all citizenship particulars required to sustain federal diversity jurisdiction.

Signed in Baton Rouge, Louisiana, on November 18, 2016.

RICHARD L. BOURGEOIS, JR.

UNITED STATES MAGISTRATE JUDGE