

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

PONDEROSA OIL & GAS, LLC, ET AL

CIVIL ACTION

VERSUS

NO. 16-797-JWD-RLB

**GULF COAST COIL TUBING &
NITROGEN SERVICES, INC., ET AL**

ORDER

The court *sua sponte* notes the potential insufficiency of the plaintiff's allegation of the citizenship of the parties in its Complaint (R. Doc. 1) and Amended Complaint (R. Doc. 9) 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., Illinois Central Gulf Railroad Co. v. Pargas, Inc.*, 706 F.2d 633 (5th Cir. 1983). The state of incorporation and principal place of business of plaintiff **Polycomp Trust Co.** is not provided. Further, the state of incorporation of defendant **St. Paul Fire and Marine Insurance Company, 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. *Hertz Corp. v. Friend*, 130 S.Ct. 1181, 175 L.Ed.2d 1029 (2010)

exists. The state of incorporation and principal place of business of _____ is not provided.²

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 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 \(5th Cir. 2008\)](#). The complete citizenship of **Ponderosa Oil & Gas, LLC, 2013 Program, LLC, Auterra Energy, LLC, CGL – Laurel Ridge, LLC, Classen & Co., LLC, Lily Group, LLC** is not provided.

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 \(5th Cir. 1997\)](#); [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 \(5th Cir. 2003\)](#).

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.

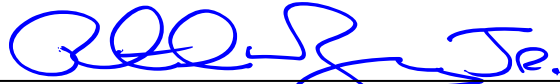
Accordingly,

IT IS ORDERED, pursuant to [28 U.S.C. §1653](#), that, on or before **January 25, 2017**, the plaintiff shall file an amended complaint providing the citizenship of plaintiffs **PolyComp Trust Co., Ponderosa Oil & Gas, LLC, 2013 Program, LLC, Auterra Energy, LLC, CGL –**

²See footnote 1.

Laurel Ridge, LLC, Classen & Co., LLC, Lily Group, LLC and defendant **St. Paul Fire and Marine Insurance Company, Inc.**, by setting forth all citizenship particulars required to sustain federal diversity jurisdiction.

Signed in Baton Rouge, Louisiana, on January 11, 2017.



RICHARD L. BOURGEOIS, JR.
UNITED STATES MAGISTRATE JUDGE