

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

TOMMY LAPRAIRIE

CIVIL ACTION NO. 17-CV-01096

VERSUS

CHIEF JUDGE DRELL

DG LOUISIANA, L.L.C.

MAGISTRATE JUDGE PEREZ-MONTES

JURISDICTIONAL REVIEW FINDINGS

Before the Court is a Complaint removed from a Louisiana state court by Defendant DG Louisiana, L.L.C. (Doc. 1). Defendant premises federal jurisdiction on diversity of citizenship.

The Court has “an independent obligation to determine whether subject-matter jurisdiction exists, even in the absence of a challenge from any party.” Arbaugh v. Y&H Corp., 546 U.S. 500, 514 (2006). This duty persists throughout all phases of the litigation, “even after trial and the entry of final judgment.” Id. at 506-07.

The diversity statute – 28 U.S.C. § 1332 – is satisfied upon a showing of: (1) diversity of citizenship between the parties; and (2) an amount in controversy in excess of \$75,000, exclusive of interest and costs. “Complete diversity requires that all persons on one side of the controversy be citizens of different states than all persons on the other side.” Harvey v. Grey Wolf Drilling Co., 542 F.3d 1077, 1079 (5th Cir. 2008) (internal citation and quotation omitted). Further, “when jurisdiction depends on citizenship, citizenship must be *distinctly* and *affirmatively* alleged.”

Getty Oil Corp., a Div. of Texaco, Inc. v. Ins. Co. of N. Am., 841 F.2d 1254, 1259 (5th Cir. 1988).

The citizenship of an individual is his or her domicile, meaning the place where an individual resides and intends to remain. See Acridge v. Evangelical Lutheran Good Samaritan Soc., 334 F.3d 444, 448 (5th Cir. 2003). A corporation shall be deemed a citizen of every State and foreign state by which it has been incorporated and of the State or foreign state where it has its principal place of business. See Tewari De-Ox Sys., Inc. v. Mountain States/Rosen, Ltd. Liability Corp., 757 F.3d 481, 483 (5th Cir. 2014). The citizenship of a general partnership depends on that of all partners. See Int'l Paper Co. v. Denkmann Associates, 116 F.3d 134, 135, 137 (5th Cir. 1997). The citizenship of an LLC, a limited partnership, or other unincorporated association or entity is determined by the citizenship of all its members. See Harvey, 542 F.3d at 1079-80.

Plaintiff Tommy LaPrairie is a citizen of Louisiana.

Defendant DG Louisiana, L.L.C. is a limited liability company of which the sole member is Dolgencorp, L.L.C., another limited liability company. The sole member of Dolgencorp, L.L.C. is Dollar General Corporation, which is incorporated and has its principal place of business in Tennessee. Therefore, Defendant DG Louisiana, L.L.C. is a citizen of Tennessee.

Accordingly, diversity jurisdiction is established. No further action is necessary at this time. This finding is preliminary in nature, and may be reconsidered sua sponte or upon appropriate motion.

THUS DONE AND SIGNED in chambers in Alexandria, Louisiana, this 5th day of September, 2017.



Joseph H.L. Perez-Montes
United States Magistrate Judge