

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

b

TED BUSBY, *et al.*

CIVIL ACTION NO. 3:17-CV-00494

VERSUS

JUDGE JAMES

KEITH PALMER d/b/a PALMER
CONSTRUCTION

MAGISTRATE JUDGE PEREZ-MONTES

SUA SPONTE JURISDICTIONAL REVIEW FINDING

Before the Court is a Petition removed by Defendant Keith Palmer from the Sixth Judicial District Court in Madison Parish, Louisiana.

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 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 citizenship of an individual is his or her domicile, meaning the place where an individual resides and intends to remain. Acridge v. Evangelical Lutheran Good Samaritan Soc., 334 F.3d 444, 448 (5th Cir. 2003). A corporation shall be deemed to be 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. Tewari De-Ox Sys., Inc. v. Mountain States/Rosen, Ltd. Liab. Corp., 757 F.3d 481, 483 (5th Cir. 2014).

The Plaintiffs are Ted Busby (a citizen of Louisiana), Ryman Patrick Busby (a citizen of Louisiana), Erin C. Busby (a citizen of Louisiana), Barbara S. Busby (a citizen of Louisiana), Ryman Busby Farms, Inc. (incorporated in Louisiana with its principal place of business in Louisiana), and Skunk Investments, Inc. (incorporated in Louisiana with its principal place of business in Louisiana).

Defendant Keith Palmer, who is doing business as Palmer Construction, is a citizen of Mississippi.

Therefore, diversity of citizenship is clear from the pleadings.

Defendant contends this is a contract dispute wherein Plaintiffs seek the return of the purchase price of \$ 1,118,418.00 for two grain storage bins (Doc. 1). Therefore, the amount in controversy appears to exceed \$75,000.

Accordingly, diversity jurisdiction is established on the face of the pleadings. No further action is necessary at this time.

THUS DONE AND SIGNED in chambers in Alexandria, Louisiana, this 6th
day of April, 2017.

A handwritten signature in black ink, appearing to read 'J.H.L.P.M.', written over a horizontal line.

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