

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

ARDEN J. LEA

CIVIL ACTION NO. 10-1371

VERSUS

JUDGE ELIZABETH ERNY FOOTE

FAULCONER ENERGY JOINT VENTURE
— 1990 LLP

MAGISTRATE JUDGE HORNSBY

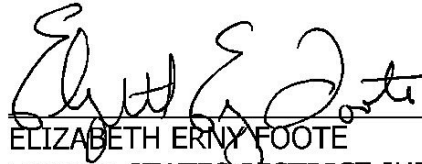
MEMORANDUM ORDER

Defendant Falconer Energy Joint Venture — 1990, LLP (“Defendant”) removed this action from the Second Judicial District Court for the Parish of Claiborne, State of Louisiana, based on an assertion of diversity jurisdiction. See Record Documents 1, 7. Defendant alleges that Plaintiff is “an adult resident of the United States Virgin Islands” and that various individuals serving as trustees and/or beneficiaries of the various trusts are “adult resident[s]” of the State of Texas. See id. Nevertheless, it is domicile rather than mere residency that decides citizenship for purposes of diversity jurisdiction, and “[i]t is well established that an allegation of residency does not satisfy the requirement of an allegation of citizenship.” Great Plains Trust Co. v. Morgan Stanley, 313 F.3d 305, 310 at n. 2 (5th Cir. 2002), quoting Strain v. Harrelson Rubber Co., 742 F.2d 888 (5th Cir. 1984).

Therefore, in the instant matter, upon due consideration of the allegations contained in Defendant’s Notice of Removal and Amended Notice of Removal, and noting the lack of objection to Defendant’s assertion of diversity of citizenship,

IT IS ORDERED that, unless any party files written notice to the contrary by **Wednesday, October 6, 2010**, Defendant's allegations of residency will be deemed to be allegations of domicile and, therefore, sufficient to satisfy the requirement of an allegation of citizenship for purposes of diversity jurisdiction.

THUS DONE AND SIGNED in Shreveport, Louisiana, on this 22nd day of September, 2010.


ELIZABETH ERNY FOOTE
UNITED STATES DISTRICT JUDGE