

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

MACHELLE A. LEE

CIVIL ACTION NO. 12-cv-1413

VERSUS

VERNISS S. DILLON, ET AL

MAGISTRATE JUDGE HORNSBY

MEMORANDUM ORDER

Plaintiff recently amended her complaint to bring in two new defendants: State Farm Fire & Casualty Company; and Government Employees Insurance Company (GEICO). The federal court, as one of limited jurisdiction, must ascertain that the parties are of diverse citizenship. Some additional information is needed to make that determination.

Plaintiff describes herself as a resident of Louisiana, but it is domicile rather than mere residency that determines citizenship. The notice of removal did describe Plaintiff as a Louisiana citizen, and she has not challenged that assertion, but it is best to have the issue clarified of record.

State Farm and GEICO appear to be corporations. Plaintiff describes them as foreign insurers licensed to do business in Louisiana, but that does not suffice to allege citizenship. The answers filed by these defendants also lack the necessary information. A corporation is deemed to be a citizen of (1) the state in which it was incorporated and (2) the state where it has its principal place of business. 28 U.S.C. § 1332(c)(1). To establish diversity jurisdiction, a complaint or notice of removal must set forth “with specificity” a corporate party’s state of incorporation and its principal place of business. “Where the plaintiff [or

removing party] fails to state the place of incorporation or the principal place of business of a corporate party, the pleadings are inadequate to establish diversity.” Joiner v. Diamond M Drilling Co., 677 F.2d 1035, 1039 (5th Cir. 1982). The Fifth Circuit requires strict adherence to these straightforward rules. Howery v. Allstate Ins. Co., 243 F.3d 912, 919 (5th Cir. 2001).

Plaintiff is directed to file, by **September 9, 2013**, a motion for leave to amend her complaint to allege the state in which she is domiciled and, thus a citizen, and allege the states of incorporation and principal place of business for State Farm and GEICO. Counsel for those defendants are directed to promptly provide this information to counsel for Plaintiff so that jurisdiction may be ascertained.

THUS DONE AND SIGNED in Shreveport, Louisiana, this 20th day of August, 2013.



MARK L. HORNSBY
UNITED STATES MAGISTRATE JUDGE