

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

TERESA CLARK CAIN, ET AL

CIVIL ACTION NO. 14-cv-1057

VERSUS

JUDGE HICKS

GENERAL MOTORS, LLC

MAGISTRATE JUDGE HORNSBY

MEMORANDUM ORDER

Plaintiffs allege in their complaint that they are citizens of Louisiana and Texas. They name as defendant General Motors, LLC (“GM”) and assert the court has subject-matter jurisdiction under the Class Action Fairness Act, 28 U.S.C. § 1332(d).

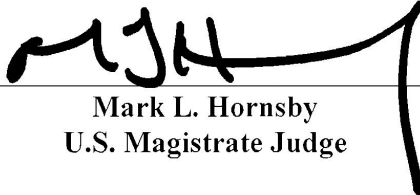
The citizenship of unincorporated associations such as a limited liability company is ordinarily determined for purposes of diversity jurisdiction by looking to the citizenship of its members. Harvey v. Grey Wolf Drilling Co., 542 F.3d 1077 (5th Cir. 2008). The CAFA, however, provides that for purposes of Section 1332(d) “an unincorporated association shall be deemed to be a citizen of the State where it has its principal place of business and the State under whose laws it is organized.” Section 1332(d)(10).

Plaintiffs describe GM in paragraph four of their complaint. They do not allege its state of organization, but GM’s corporate disclosure statement (Doc. 6) states that it is a Delaware LLC. Neither the disclosure statement nor the complaint squarely allege the state in which GM has its principal place of business, but the complaint does allege that GM “is headquartered in Michigan.” If that is correct, then Michigan is likely the principal place of

business for GM under the “nerve center” test set forth in Hertz Corp. v. Friend, 130 S.Ct. 1181 (2010).

The court will proceed with the assumption that GM is organized under Delaware law and has its principal place of business in Michigan unless GM provides contrary information in its answer or the portion of the Case Management Report (which will soon be ordered) regarding the subject-matter jurisdiction. Any party who wishes to ensure that there is no doubt about the citizenship of the parties may amend their complaint or plead in their answer with specificity General Motors, LLC’s (1) state of organization and (2) state where it has its principal place of business within the meaning of federal law.

THUS DONE AND SIGNED in Shreveport, Louisiana, this 31st day of March, 2015.



Mark L. Hornsby
U.S. Magistrate Judge