

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

CALDWELL WHOLESALE CO., LLC

CIVIL ACTION NO. 17-cv-0200

VERSUS

JUDGE HICKS

R J REYNOLDS TOBACCO CO.

MAGISTRATE JUDGE HORNSBY

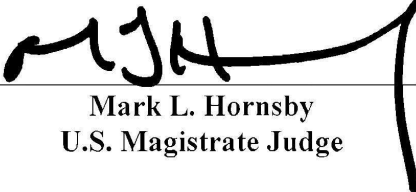
MEMORANDUM ORDER

Caldwell Wholesale Company, LLC filed this civil action based on an assertion of diversity jurisdiction. The court issued an order and directed Caldwell to amend its complaint to set forth sufficient facts to meet its burden of establishing complete diversity of citizenship. Caldwell has now filed an amended complaint that alleges the state of incorporation and principal place of business of R J Reynolds. The amended complaint also alleges that Caldwell has a single member, an LLP. The LLP is alleged to have an LLC as a general partner, and two individuals and a trust are limited partners. The single member of the LLC and trustee of the trust are also individuals.

Each individual is alleged to be “an individual major resident of Caddo Parish.” But it is domicile rather than mere residency that decides citizenship for diversity purposes, 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 n. 2 (5th Cir. 2002), quoting Strain v. Harrelson Rubber Co., 742 F.2d 888 (5th Cir. 1984). A person may have multiple residences, but he has only one legal domicile at a time.

The court will deem the allegations of Louisiana residency to be allegations that those individuals are citizens/domiciliaries of Louisiana unless Caldwell states otherwise in the jurisdiction portion of the case management report. Instructions for the report will issue after the defendant has filed an answer.

THUS DONE AND SIGNED in Shreveport, Louisiana, this 22nd day of February, 2017.



Mark L. Hornsby
U.S. Magistrate Judge