

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

WATSON LABEL PRODUCTS)
CORP., et al.,)

Plaintiffs,)

vs.)

Case No. 4:06CV987 CDP

SECURA INSURANCE, et al.,)

Defendants.)

ORDER

As I noted in my order of June 29, 2006, a cursory review of the Notice of Removal shows that defendant did not properly allege the citizenship of the corporate defendants, and so diversity of citizenship does not properly appear on the pleadings. Defendant responded to the order with the same insufficient allegations made in the notice of removal. I will therefore provide the instruction that counsel apparently needs, because I must determine – for sure – whether I have diversity jurisdiction.

28 U.S.C. § 1332(a) requires diversity of citizenship, not diversity of residence. Individuals have residences, which commonly means a home where they live, at least some of the time, but even for individuals, residence is not always the same thing as citizenship. Corporations do not necessarily have residences, because

they don't live anywhere, since they are fictional entities and do not have bodies that can "reside" in a home. Corporations do have citizenship as that term is used in the diversity statute.

For purposes of federal diversity jurisdiction, a corporation is a citizen of the state in which it is incorporated, and it is also a citizen of the state in which it has its principal place of business. The two states might be the same, but they also might be different. Perhaps the allegation of residence was intended to tell me that the defendants were incorporated in and also had their principal places of business in the states listed. But this is a court of limited jurisdiction, and I cannot assume that a corporation necessarily is a citizen of only one state. Many are citizens of two states.

To exercise jurisdiction over this case I need to know the citizenship, including both state of incorporation and state of principal place of business, of both defendants. For an example of sufficient allegations of citizenship of a corporation, please look at paragraphs one and two of plaintiffs' state court petition. You must allege state of incorporation and state of principal place of business, for both defendants. If you don't, I don't have jurisdiction.

Accordingly,

IT IS HEREBY ORDERED that the removing defendant shall correct the deficiency in its removal notice no later than July 5, 2006, or this case will be summarily remanded to state court.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 30th day of June, 2006.