

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

BARBARA UEBELACKER,

Plaintiff,

ORDER

v.

06-C-0316-C

PAULA ALLEN HOLDINGS, INC.
d/b/a ALLEN AND ASSOCIATES,
WORKSTREAM USA, INC., and
WORKSTREAM, INC.,

Defendants.

This civil action for monetary relief was filed in this court on June 9, 2006 by plaintiff Barbara Uebelacker. Plaintiff has invoked this court's diversity jurisdiction, which requires complete diversity of citizenship and an amount in controversy of at least \$75,000. 28 U.S.C. § 1332.

On July 14, 2006, plaintiff filed an amended complaint alleging the following facts: (1) Plaintiff is a citizen of the state of Wisconsin; (2) The amount in controversy exceeds \$75,000; (3) Defendant Allen and Associates is a corporation formed under the laws of Florida with its "registered principal address at 2600 Lake Lucien Drive, Suite 410,

Maitland, Florida 32571”; (4) Defendant Workstream USA, Inc. is a corporation formed under the laws of Delaware with its “registered place of business at 2600 Lake Lucien Drive, Maitland, Florida 32571”; and (5) Defendant Workstream, Inc. is a corporation formed under the laws of Canada with its “principal place of business in Canada as 495 March Road, Suite 300, Ottawa, Ontario K2K 3G1 and in the United States as 2600 Lake Lucien Drive, Maitland, Florida 32571.” Cpt. at ¶ 6.

For the purpose of diversity jurisdiction, corporations are citizens of the states in which they are incorporated and have their principal place of business. 28 U.S.C. § 1332(c)(1); Metropolitan Life Ins. Co. v. Estate of Cammon, 929 F.2d 1220, 1223 (7th Cir. 1991). The phrase “principal place of business” refers to a corporation’s single place of business and connotes its center of corporate activity or “nerve center.” Celanese Corp. of America v. Vandalia Warehouse Corp., 424 F.2d 1176, 1178 (7th Cir. 1970). Corporations may have only one principal place of business. U-Profit, Inc. v. Bromley, Ltd., Inc., 54 F.R.D. 60, 63 (E.D. Wis. 1971) (“In supplying corporations with “dual citizenship” for diversity purposes, 28 U.S.C. § 1332(c) does not contemplate two principal places of business.”). In this case, it is not clear whether defendant Allen and Associates’s “registered principal address” and defendant Workstream USA, Inc.’s “registered place of business” are their respective principal places of business or simply their mailing addresses. In addition, it is not clear which of the addresses plaintiff provides for defendant Workstream, Inc. is its

actual principal place of business.

This court has an independent obligation to insure that subject matter jurisdiction exists. Wild v. Subscription Plus, Inc., 292 F.3d 526 (7th Cir. 2002). The Court of Appeals for the Seventh Circuit has reiterated the need for litigants to meticulously review the limits of federal jurisdiction to prevent the waste of federal judicial resources. Belleville Catering Co. v. Champaign Market Place, L.L.C., 350 F.3d 691 (7th Cir. 2003). The federal courts are “always obliged to inquire sua sponte whenever a doubt arises as to the existence of federal jurisdiction.” Tylka v. Gerber Prods. Co., 211 F.3d 445, 447-48 (7th Cir. 2000).

As the party filing this case in federal court, plaintiff bears the burden of showing that federal jurisdiction exists. Chase v. Shop n' Save Warehouse Foods, Inc., 110 F.3d 424, 427 (7th Cir. 1997) (“party seeking to invoke federal diversity jurisdiction bears the burden of demonstrating that the complete diversity and amount in controversy requirements are met.”). Because it would be a waste of limited judicial resources to proceed further in a case where jurisdiction may not be present, I will give plaintiff one week in which to produce facts verifying defendants’ citizenship.

ORDER

IT IS ORDERED that plaintiff Barbara Uebelacker will have until October 23, 2006, to provide this court with verification of the citizenship of defendant Allen and Associates,

defendant Workstream USA, Inc., and defendant Workstream, Inc. Failure to comply with this deadline will result in dismissal of plaintiff's case.

Entered this 16th day of October, 2006.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge