

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
NEW YORK

Shemaiah Ford v. Corey Shader

No. 25-cv-748 (PKC), United States District Court for the Southern District of New York (November 26, 2025)

SUMMARY

The United States District Court for the Southern District of New York directs the plaintiff and defendant to file affidavits establishing their respective domiciles for purposes of evaluating diversity jurisdiction. The court explains that residence alone is insufficient to establish domicile and cites Second Circuit and Southern District of New York authority.

CASE DETAILS

COURT	United States District Court for the Southern District of New York
WRITING FOR THE COURT	P. Kevin Castel
JURISDICTION	United States District Court for the Southern District of New York
DECIDED	November 26, 2025
DOCKET	25-cv-748 (PKC)
DISPOSITION	other
PROCEDURAL POSTURE	The district court sua sponte addressed whether the pleadings adequately established the parties' citizenship for purposes of diversity jurisdiction and ordered both parties to submit domicile affidavits.
PRECEDENTIAL VALUE	unknown

TOPICS

- subject matter jurisdiction
- civil procedure

PRACTICE AREAS

- civil procedure
- federal jurisdiction

QUESTIONS PRESENTED

- Whether allegations of residence, without sufficient factual support establishing domicile, adequately establish the parties' citizenship for purposes of diversity jurisdiction.
- Whether the parties should be required to submit affidavits identifying their states of domicile.

HOLDINGS

- 1. Residence alone is insufficient to establish domicile for jurisdictional purposes; an individual's citizenship is determined by domicile, meaning the person's true fixed home and principal establishment and the place to which the person intends to return.
- 2. The parties were required to file affidavits setting forth the state in which each was domiciled by December 9, 2025.

KEY QUOTATIONS

- “For the purposes of alleging diversity jurisdiction, “residence alone is insufficient to establish domicile for jurisdictional purposes.”” (at 2)
- ““‘An individual’s citizenship, within the meaning of the diversity statute, is determined by his domicile . . . [in other words] the place where a person has his true fixed home and principal establishment, and to which, whenever he is absent, he has the intention of returning.’”” (at 2)

FACTUAL BACKGROUND

Plaintiff alleged that she resides in New York. Defendant's attorney asserted that defendant is domiciled in Florida, but the record contained no affidavit supporting that assertion.

PROCEDURAL HISTORY

Plaintiff's complaint alleged that she resided in New York, and defendant's attorney asserted that defendant was domiciled in Florida without submitting an affidavit. The district court required both parties to file affidavits identifying their states of domicile by December 9, 2025.

DISPOSITION

other

CASES CITED

- Van Buskirk v. United Grp. of Companies, Inc., 935 F.3d 49, 53-54 (2d Cir. 2019)
- Palazzo ex rel. Delmage v. Corio, 232 F.3d 38, 42 (2d Cir. 2000)
- Avant Cap. Partners, LLC v. W108 Dev. LLC, 387 F. Supp. 3d 320, 321 (S.D.N.Y. 2016)

OPINION

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK -----
-----x SHEMAIAH FORD, Plaintiff, 25-cv-748 (PKC) -against-
ORDER COREY SHADER, Defendant. -----x
CASTEL, U.S.D.J. Plaintiff’s complaint alleges that she resides in New York. (ECF 51 ¶ 19.) Defendant’s attorney has asserted that he is a domiciliary of Florida (ECF 1 ¶ 16) but no affidavit attests to that assertion.

For the purposes of alleging diversity jurisdiction, “residence alone is insufficient to establish domicile for jurisdictional purposes.” *Van Buskirk v. United Grp. of Companies, Inc.*, 935 F.3d 49, 54 (2d Cir. 2019). ““An individual’s citizenship, within the meaning of the diversity statute, is determined by his domicile... [in other words] the place where a person has his true fixed home and principal establishment, and to which, whenever he is absent, he has the intention of returning.”” *Id.* at 53 (brackets and ellipsis in original; quoting *Palazzo ex rel.*

Delmage v. Corio, 232 F.3d 38, 42 (2d Cir. 2000)); see also *Avant Cap. Partners, LLC v. W108 Dev. LLC*, 387 F. Supp. 3d 320, 321 (S.D.N.Y. 2016) (“Residences matter only if they assist in establishing domicile and citizenship.”) (*Stanton, J.*). By December 9, 2025, Plaintiff and Defendant shall file affidavits setting forth the state in which each is domiciled.

SO ORDERED. LZ Pion lal United States District Judge Dated: New York, New York November 26, 2025 -2-