

**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.

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-