

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

John Scott Jorgensen v. Lynch & Newman Law, Robert Gregory Law Firm, and Kathy Jorgensen

Jorgensen · No. 24-CV-7452 (AMD) (SIL) · Decided December 1, 2025

SUMMARY

The United States District Court for the Eastern District of New York dismissed John Scott Jorgensen’s amended complaint without prejudice for lack of subject matter jurisdiction. The court held that the plaintiff failed to show that he changed his domicile from Maine to New York, and therefore did not establish diversity jurisdiction. The Clerk was directed to enter judgment and close the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of New York
WRITING FOR THE COURT	Ann M. Donnelly
JURISDICTION	United States District Court for the Eastern District of New York
DECIDED	December 1, 2025
DOCKET	24-CV-7452 (AMD) (SIL)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff filed an amended complaint after the court dismissed the original complaint for lack of diversity jurisdiction. The attorney defendants moved to dismiss the amended complaint, and the court construed the plaintiff's pro se motion for 'plain language' as his opposition.
STANDARD OF REVIEW	The court determined whether the amended complaint adequately alleged facts establishing diversity jurisdiction, considering the plaintiff's burden to establish a change in domicile.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- subject matter jurisdiction
- motions to dismiss
- estate administration
- probate
- civil procedure

PRACTICE AREAS

civil procedure

federal jurisdiction

probate-related litigation

QUESTIONS PRESENTED

1. Whether the amended complaint adequately alleged that plaintiff was domiciled in New York when the action was filed, thereby establishing diversity jurisdiction.
2. Whether the amended complaint should be dismissed without prejudice for lack of subject matter jurisdiction.

HOLDINGS

1. Plaintiff failed to meet his burden of showing that his domicile changed from Maine to New York because he alleged neither residence in New York accompanied by an intent to remain nor facts otherwise establishing a New York domicile at the time the complaint was filed.
2. The amended complaint was dismissed without prejudice for lack of subject matter jurisdiction.

KEY QUOTATIONS

“For purposes of diversity jurisdiction, the relevant domicile is the parties’ domicile at the time the complaint was filed.” (unpaginated opinion)

“To effect a change of domicile, two things are indispensable: First, residence in a new domicil; and, second, the intention to remain there.” (unpaginated opinion)

FACTUAL BACKGROUND

The action concerned claims for tortious interference and breach of contract arising from the administration of plaintiff's mother's estate. Plaintiff previously had been found to be a Maine citizen for diversity purposes in related litigation in the District of Maine. In the amended complaint, plaintiff listed a defunct Long Island airport and the Center Moriches Free Public Library as addresses and did not allege that he had moved to New York with an intent to remain there.

PROCEDURAL HISTORY

On August 25, 2025, the court dismissed the original complaint for lack of diversity jurisdiction but granted plaintiff leave to amend with truthful and accurate residence information. After receiving an extension, plaintiff filed an amended complaint. The attorney defendants renewed their motions to dismiss, and the court dismissed the amended complaint without prejudice for lack of subject matter jurisdiction and directed the Clerk to enter judgment and close the case.

DISPOSITION

dismissed

CASES CITED

- Jorgensen v. Jorgensen, No. 22-CV-397, 2023 WL 2308701, at *1 (D. Me. Mar. 1, 2023), report and recommendation adopted, No. 22-CV-397, 2023 WL 3006490 (D. Me. Apr. 18, 2023), aff'd, No. 23-1408, 2024 WL 4753659 (1st Cir. July 10, 2024)
- Van Buskirk v. United Group of Companies, Inc., 935 F.3d 49, 53 (2d Cir. 2019)
- Palazzo ex rel. Delmage v. Corio, 232 F.3d 38, 42 (2d Cir. 2000)
- Finnegan v. Long Island Power Auth., 409 F. Supp. 3d 91, 100 (E.D.N.Y. 2019)

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