

Hawkins v. Masters Farms, Inc., 2003 WL 21555767

IRAC

Facts

Parties

Plaintiffs: Mary Ann Hawkins, as Personal Representative to the Estate of James Patrick Creal, and Rachel Baldwin, as heir of Mr. Creal

Defendants: Masters Farms, Inc., Harhge Farms, Inc., and Jack E. Masters

What Happened

Plaintiffs, a personal representative and an heir, sued defendants, two farm companies and an individual, pursuant to Kan. Stat. Ann. §§ 60-1901 in 1902 following an accident in which a tractor driven by the individual collided with the deceased's car. Plaintiffs asserted diversity jurisdiction under 28 U.S.C. § 1332. In addition to plaintiffs' complaint itself, deposition testimony and other documents were submitted for the court's review.

The parties did not dispute that all defendants were citizens of the State of Kansas and that the heir was a citizen of the State of Missouri. Although the personal representative, as an individual, was also a citizen of the State of Missouri, her role in the case as personal representative mandated that the court focus on the citizenship of the deceased at the time of his death, not the citizenship of the personal representative herself. Disputing the existence of diversity jurisdiction, defendants moved to dismiss pursuant to Fed. R. Civ. P. 12(b)(1). Defendants' motion to dismiss was granted.

Issue before the Court

Did diversity jurisdiction apply to the case at bar?

Rule of Law

For purposes of determining whether diversity jurisdiction exists, a person is a citizen of the state in which he or she is domiciled. For adults, domicile is established by physical presence in a place in connection with a certain state of mind concerning one's intent to remain there.

Analysis

Mr. Creal had established a physical presence in Troy and displayed an intent to remain there. He had lived there for five months to a year, had all his personal belongings there (i.e. clothes, pictures, etc.), paid household costs and purchased a new bedroom set with his wife.

Conclusion

The court must look to the citizenship of the decedent, and not the personal representative. In this case, the deceased had not only established a physical presence in the State of Kansas, but also displayed an intent to remain there. He had bought a house, bought furniture and generally established a life in Kansas.

Although he lived the majority of his life in Missouri, he had been living in Kansas with his wife of five months for nearly one year at the time he died. Although the deceased retained some connections with the State of Missouri, at the time of his death he was domiciled in the State of Kansas. Diversity was not present.

Hawkins v. Masters Farms, Inc., 2003 WL 21555767

1. IRAC

1.1. Facts

1.1.1. Parties

1.1.1.1. Plaintiffs: Mary Ann Hawkins, as Personal Representative to the Estate of James Patrick Creal, and Rachel Baldwin, as heir of Mr. Creal

1.1.1.2. Defendants: Masters Farms, Inc., Harhge Farms, Inc., and Jack E. Masters

1.1.2. What Happened

1.1.2.1. Plaintiffs, a personal representative and an heir, sued defendants, two farm companies and an individual, pursuant to Kan. Stat. Ann. §§ 60-1901 in 1902 following an accident in which a tractor driven by the individual collided with the deceased's car. Plaintiffs asserted diversity jurisdiction under 28 U.S.C.S. § 1332. In addition to plaintiffs' complaint itself, deposition testimony and other documents were submitted for the court's review. The parties did not dispute that all defendants were citizens of the State of Kansas and that the heir was a citizen of the State of Missouri. Although the personal representative, as an individual, was also a citizen of the State of Missouri, her role in the case as personal representative mandated that the court focus on the citizenship of the deceased at the time of his death, not the citizenship of the personal representative herself. Disputing the existence of diversity jurisdiction, defendants moved to dismiss pursuant to Fed. R. Civ. P. 12(b)(1). Defendants' motion to dismiss was granted.

1.2. Issue before the Court

1.2.1. Did diversity jurisdiction apply to the case at bar?

1.3. Rule of Law

1.3.1. For purposes of determining whether diversity jurisdiction exists, a person is a citizen of the state in which he or she is domiciled. For adults, domicile is established by physical presence in a place in connection with a certain state of mind concerning

one's intent to remain there.

1.4. Analysis

1.4.1. Mr. Creal had established a physical presence in Troy and displayed an intent to remain there. He had lived there for five months to a year, had all his personal belongings there (i.e clothes, pictures, etc.), paid household costs and purchased a new bedroom set with his wife.

1.5. Conclusion

1.5.1. The court must look to the citizenship of the decedent, and not the personal representative. In this case, the deceased had not only established a physical presence in the State of Kansas, but also displayed an intent to remain there. He had bought a house, bought furniture and generally established a life in Kansas. Although he lived the majority of his life in Missouri, he had been living in Kansas with his wife of five months for nearly one year at the time he died. Although the deceased retained some connections with the State of Missouri, at the time of his death he was domiciled in the State of Kansas. Diversity was not present.