298, 111 S.Ct. 2321, 115 L.Ed.2d 271 (1991).

Hudson, however, discarded the requirement of serious injury. Building upon *Estelle*'s mislaid foundation, the Court concluded that force, rather than injury, is the relevant inquiry, and that a prisoner who alleges excessive force at the hands of prison officials and suffers nothing more than *de minimis* injury can state a claim under the Eighth Amendment. *Hudson* thus turned the Eighth Amendment into "a National Code of Prison Regulation," 503 U.S. at 28, 112 S.Ct. 995 (THOMAS, J., dissenting); *Farmer,* 511 U.S. at 859, 114 S.Ct. 1970 (THOMAS, J., concurring in judgment), with "federal judges [acting as] superintendents of prison conditions nationwide," *id.,* at 860, 114 S.Ct. 1970. Although neither the Constitution nor our precedents require this result, no party to this case asks us to overrule *Hudson.* Accordingly, I concur in the Court's judgment.

The HERTZ CORP., Petitioner,

v.

Melinda FRIEND et al.

No. 08–1107.

Argued Nov. 10, 2009.

Decided Feb. 23, 2010.

Background: Plaintiffs, on behalf of a potential class of California citizens, brought action in state court against corporation alleging violations of California's wage and hour laws. Following removal under the Class Action Fairness Act (CAFA), the United States District Court for the Northern District of California, Maxine M. Chesney, J., granted plaintiffs' motion to remand. Corporation appealed. The United States Court of Appeals for the Ninth Circuit, 297 Fed.Appx. 690, affirmed. Certiorari was granted.

Holdings: The Supreme Court, Justice Breyer, held that:

(1) Supreme Court had jurisdiction to review the case;

(2) corporation's principal place of business, for diversity jurisdiction purposes, is its nerve center, abrogating *Diaz–Rodriguez v. Pep Boys Corp.,* 410 F.3d 56, *Capitol Indemnity Corp. v. Russellville Steel Co.,* 367 F.3d 831, *Tosco Corp. v. Communities for a Better Environment,* 236 F.3d 495, *Amoco Rocmount Co. v. Anschutz Corp.,* 7 F.3d 909, *Gafford v. General Elec. Co.,* 997 F.2d 150, *R.G. Barry Corp. v. Mushroom Makers, Inc.,* 612 F.2d 651, *Continental Coal Corp. v. Roszelle Bros.,* 242 F. 243; and

(3) remand was warranted to give plaintiffs opportunity to litigate their case in light of the Court's holding.

Vacated and remanded.

1. Federal Courts ⚿452

Statute permitting appeal, to a court of appeals, of district court's order granting or denying a motion to remand a class action, and further providing that the appeal shall be denied if a final judgment on the appeal has not been issued before the end of 60-day period, with a possible 10-day extension, did not deprive Supreme Court of subsequent jurisdiction to review the case; 60-day requirement simply required a court of appeals to reach a decision within a specified time, and pre-existing federal statute gave the Supreme Court jurisdiction to review by writ of certiorari cases "in the courts of appeals"

place primary weight upon the need for judicial administration of a jurisdictional statute to remain as simple as possible. And we conclude that the phrase "principal place of business" refers to the place where the corporation's high level officers direct, control, and coordinate the corporation's activities. Lower federal courts have often metaphorically called that place the corporation's "nerve center." See, *e.g., Wisconsin Knife Works v. National Metal Crafters,* 781 F.2d 1280, 1282 (C.A.7 1986); *Scot Typewriter Co. v. Underwood Corp.,* 170 F.Supp. 862, 865 (S.D.N.Y.1959) (Weinfeld, J.). We believe that the "nerve center" will typically be found at a corporation's headquarters.

I

In September 2007, respondents Melinda Friend and John Nhieu, two California citizens, sued petitioner, the Hertz Corporation, in a California state court. They sought damages for what they claimed were violations of California's wage and hour laws. App. to Pet. for Cert. 20a. And they requested relief on behalf of a potential class composed of California citizens who had allegedly suffered similar harms.

Hertz filed a notice seeking removal to a federal court. 28 U.S.C. §§ 1332(d)(2), 1441(a). Hertz claimed that the plaintiffs and the defendant were citizens of different States. §§ 1332(a)(1), (c)(1). Hence, the federal court possessed diversity-of-citizenship jurisdiction. Friend and Nhieu, however, claimed that the Hertz Corporation was a California citizen, like themselves, and that, hence, diversity jurisdiction was lacking.

To support its position, Hertz submitted a declaration by an employee relations manager that sought to show that Hertz's "principal place of business" was in New Jersey, not in California. The declaration stated, among other things, that Hertz operated facilities in 44 States; and that California—which had about 12% of the Nation's population, Pet. for Cert. 8—accounted for 273 of Hertz's 1,606 car rental locations; about 2,300 of its 11,230 full-time employees; about $811 million of its $4.371 billion in annual revenue; and about 3.8 million of its approximately 21 million annual transactions, *i.e.,* rentals. The declaration also stated that the "leadership of Hertz and its domestic subsidiaries" is located at Hertz's "corporate headquarters" in Park Ridge, New Jersey; that its "core executive and administrative functions . . . are carried out" there and "to a lesser extent" in Oklahoma City, Oklahoma; and that its "major administrative operations . . . are found" at those two locations. App. to Pet. for Cert. 26a–30a.

The District Court of the Northern District of California accepted Hertz's statement of the facts as undisputed. But it concluded that, given those facts, Hertz was a citizen of California. In reaching this conclusion, the court applied Ninth Circuit precedent, which instructs courts to identify a corporation's "principal place of business" by first determining the amount of a corporation's business activity State by State. If the amount of activity is "significantly larger" or "substantially predominates" in one State, then that State is the corporation's "principal place of business." If there is no such State, then the "principal place of business" is the corporation's " 'nerve center,' " *i.e.,* the place where " 'the majority of its executive and administrative functions are performed.' " *Friend v. Hertz,* No. C–07–5222 MMC, 2008 WL 7071465 (N.D.Cal., Jan. 15, 2008), p. 3 (hereinafter Order); *Tosco Corp. v. Communities for a Better Environment,* 236 F.3d 495, 500–502 (C.A.9 2001) *(per curiam)*.