

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

ETHEL M. HAMMON and)
DALE A. HAMMON,)
)
Plaintiffs,)

v.)

CAUSE NO. 1:06-CV-242

BEST WESTERN AUBURN INN;)
FOCUS ENTERPRISES, LLC;)
FOCUS HOTEL PARTNERS, LLC;)
FOCUS HOTEL PARTNERS II, LLC;)
FOCUS HOSPITALITY SERVICES, LLC;)
and KAISER-FRAZER OWNERS CLUB)
INTERNATIONAL,)
)
Defendants.)

OPINION AND ORDER

In their Verified Petition for Removal (Docket #2), the Defendants maintain that this Court’s jurisdiction is based on diversity of citizenship, 28 U.S.C. § 1332, yet we do not know the citizenship of all the members of Kaiser-Frazer Owners Club International, and thus we cannot be assured there is complete diversity.

More particularly, Defendant Kaiser-Frazer Owners Club International is ostensibly an unincorporated association, whose citizenship for purposes of diversity jurisdiction is likewise the citizenship of all its members since “an unincorporated association is said to have no citizenship of its own.” 7C Charles Alan Wright & Arthur R. Miller, *Federal Practice and Procedure* § 1861 (2d 1986); *see also Stark v. Abex Corp.*, No. 05-C-6987, 2006 WL 59362, at *2 (N.D. Ill. Jan. 5, 2006) (quoting *Carden v. Arkoma Assocs.*, 494 U.S. 185, 195-96 (1990); *Meyerson v. Harrah’s E. Chicago Casino*, 299 F.3d 616, 617 (7th Cir. 2002); *Indiana Gas Co. v. Home Ins. Co.*, 141 F.3d 314, 316 (7th Cir. 1998); *Cosgrove*, 150 F.3d at 731); 6 Am. Jur. 2d

Associations and Clubs § 1 (“[A]n unincorporated association is . . . a body of individuals acting together for the prosecution of a common enterprise without a corporate charter”). “This effectively may bar resort to federal diversity jurisdiction because the requirement of complete diversity is virtually impossible to satisfy in cases involving large multistate associations.” 7C Charles Alan Wright & Arthur R. Miller, *Federal Practice and Procedure* § 1861 (2d 1986)

Therefore, based on the foregoing, Defendant Kaiser-Frazer Owners Club International is to file a disclosure by August 1, 2006, disclosing the citizenship of all members. SO ORDERED.
Enter for June 28, 2006.

S/Roger B. Cosby
Roger B. Cosby
United States Magistrate Judge