

“citizenship is what matters.”¹ *Guar. Nat’l Title Co. v. J.E.G. Assocs.*, 101 F.3d 57, 58-59 (7th Cir. 1996) (explaining that statements concerning a party’s “residency” are not proper allegations of citizenship as required by 28 U.S.C. § 1332); *see* 28 U.S.C. § 1332. “It is well-settled that when the parties allege residence but not citizenship, the court must dismiss the suit.” *Held v. Held*, 137 F.3d 998, 1000 (7th Cir. 1998) (internal quotation marks and citation omitted)); *see generally Smoot v. Mazda Motors of Am., Inc.*, 469 F.3d 675, 677-78 (7th Cir. 2006). In this instance, Occidental did not properly allege its own citizenship as an L.L.C., or the citizenship of the Plaintiff, Dr. Gohil.

As to Dr. Gohil, “[f]or natural persons, state citizenship is determined by one’s domicile.” *Dausch v. Rykse*, 9 F.3d 1244, 1245 (7th Cir. 1993); *see also Am.’s Best Inns, Inc. v. Best Inns of Abilene, L.P.*, 980 F.2d 1072, 1074 (7th Cir. 1992) (“In federal law citizenship means domicile, not residence.”). Although Occidental set forth that Dr. Gohil is a citizen of Indiana, it did so “upon information and belief” (Notice of Removal ¶ 3), and “[a]llegations of federal subject matter jurisdiction may not be made on the basis of information and belief, only *personal knowledge*.” *Yount v. Shashek*, 472 F. Supp. 2d 1055, 1058 n.1 (S.D. Ill. 2006) (citing *Am.’s Best Inns, Inc.*, 980 F.2d at 1074) (emphasis added); *Ferolie Corp. v. Advantage Sales & Mktg., LLC*, No. 04 C 5425, 2004 WL 2433114, at *1 (N.D. Ill. Oct. 28, 2004); *Hayes v. Bass Pro Outdoor World, LLC*, No. 02 C 9106, 2003 WL 187411, at *2 (N.D. Ill. Jan. 21, 2003); *Multi-M Int’l, Inc.*, 142 F.R.D. at 152. Consequently, Occidental has improperly alleged Dr.

¹ For purposes of determining diversity jurisdiction, each party’s citizenship must be articulated as of “the time of the filing of the complaint,” rather than the date the claims are alleged to have arisen or some other time material to the lawsuit. *Multi-M Int’l, Inc. v. Paige Med. Supply Co.*, 142 F.R.D. 150, 152 (N.D. Ill. 1992).

Gohil's citizenship on information and belief instead of on personal knowledge.

As to Occidental, a limited liability company's citizenship "for purposes of the diversity jurisdiction is the citizenship of its members." *Cosgrove v. Bartolotta*, 150 F.3d 729, 731 (7th Cir. 1998). Therefore, the Court must be advised of the citizenship of all the members of Occidental to ensure that none of its members share a common citizenship with Dr. Gohil.

Hicklin Eng'g, L.C. v. Bartell, 439 F.3d 346, 347-48 (7th Cir. 2006). Moreover, citizenship must be "traced through multiple levels" for those members of Occidental who are a partnership or a limited liability company, as anything less can result in a dismissal or remand for want of jurisdiction. *Mut. Assignment & Indem. Co. v. Lind-Waldock & Co., LLC*, 364 F.3d 858, 861 (7th Cir. 2004).

Therefore, Defendant Occidental Development, L.L.C., is ORDERED to supplement the record forthwith as to the citizenship of each party, tracing the citizenship of any unincorporated associations through all applicable layers of ownership.

SO ORDERED.

Enter for this 1st day of October, 2008.

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