

**IN THE
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
PEORIA DIVISION**

DANIEL M. LANGAN,
Plaintiff,

v.

CLIFFORD RASMUSSEN and
KOTTKE TRUCKING, INC.,
Defendants.

Case No. 1:15-cv-01285-JBM-JEH

Order

The Plaintiff's Complaint ([Doc. 1](#)) asserts diversity of citizenship as the basis of the Court's subject matter jurisdiction. The allegations of the Complaint do not sufficiently support that assertion.

The Complaint alleges the following information about the parties. The Plaintiff permanently resides in the Village of Dunlap, County of Peoria, and State of Illinois. He is a citizen of the United States of America and the State of Illinois. Defendant Clifford A. Rasmussen, on information and belief, is residing in Buffalo Lake, MN and is a citizen of the United States of America and the State of Minnesota. Defendant Kottke Trucking, Inc., on information and belief, is a foreign corporation whose principal place of business is located in the State of Minnesota.

First, asserting jurisdiction on the basis of "information and belief" is insufficient to invoke diversity jurisdiction. *America's Best Inns, Inc v Best Inns of Abilene, LP*, 980 F2d 1072, 1074 (7th Cir 1992) ("to the best of my knowledge and belief" is insufficient to invoke diversity jurisdiction); *Page v Wright*, 116 F2d 449, 451 (7th Cir 1940) (expressing serious doubts as to whether the record could be sustained in the face of a direct jurisdictional attack where diversity jurisdiction was asserted, in part, based upon information and belief).

Second, the Complaint must allege the state of incorporation and principal place of business, and those allegations must be based on the state of things at the time the action was brought. 28 USC § 1332(c)(1); *Grupo Dataflux v Atlas Global Group, LP*, 541 US 567, 570-71 (2004). Here, the Plaintiff indicates that Defendant Kottke Trucking, Inc. is a foreign corporation, but does not actually specify the foreign state of incorporation.

Accordingly, the Plaintiff is directed to file an amended complaint that adequately alleges the factual basis for this Court's jurisdiction. The amended complaint shall be filed within 14 days of this date.

It is so ordered.

Entered on July 21, 2015.

s/Jonathan E. Hawley
U.S. MAGISTRATE JUDGE