

E-FILED
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Clerk, U.S. District Court, ILCD

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

PENN-STAR INSURANCE
COMPANY,
Plaintiff,

v.

BELLEVUE PLAZA INC., STEPHEN
W. HEUERMANN, and EUGENE
HEUERMANN,
Defendants.

Case No. 1:15-cv-01321-JES-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 is a corporation organized under the laws of the State of Pennsylvania with its principal place of business in Pennsylvania. Defendants Stephen and Eugene Heuermann, upon information and belief, are residents of Peoria, Illinois. Defendant Bellevue Plaza, upon information and belief, is a corporation organized under the laws of the State of Illinois with its principal place of business in Illinois.

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 citizenship of an individual is based upon domicile, not on residence. *America's Best Inns, Inc*, 980 F2d at 1074 (7th Cir 1992).

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 August 11, 2015.

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