

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

DAVID L. BIELFELDT and KAREN
WALES,
Plaintiffs,

v.

LEE C. GRAVES, JAMES BOURZAK,
ELM ONE CALL LOCATORS, INC.,
Defendants.

Case No. 1:15-cv-01419-JBM-JEH

Order

The Plaintiffs' Complaint ([Doc. 1](#)) asserts diversity of citizenship as an additional 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. Plaintiffs Bielfeldt and Wales are citizens of Illinois. Defendant Graves is, upon information and belief, a citizen of Texas. Defendant Bourazak is, upon information and belief, a citizen of Illinois. Defendant ELM One Call Locators, Inc., is an Illinois corporation with a registered office in Peoria, 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, a complaint must allege the state of incorporation *and* principal place of business for each of the named corporations, 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 Plaintiffs' Complaint does not allege ELM One Call Locators, Inc.'s principal place of business.

Finally, there must be complete diversity between the opposing parties when a district court's jurisdiction is based on 28 USC § 1332(a). *Schur v LA Weight Loss Centers, Inc*, 577 F3d 752, 758 (7th Cir 2009). In other words, the citizenship of each plaintiff must be diverse from the citizenship of each defendant. *Caterpillar, Inc v Lewis*, 519 US 61, 68 (1996). Here, the current allegations provide that both Plaintiffs are citizens of Illinois and Defendants Bourazak and ELM One Call Locators, Inc. are also citizens of Illinois.

Accordingly, the Plaintiffs are 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 October 9, 2015.

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