

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

CINCINNATI INSURANCE  
COMPANY,  
Plaintiff,

v.

LAWRENCE ESTEP and BRANSON'S  
NANTUCKETT, LLC.,  
Defendants.

Case No. 1:17-cv-01317-JES-JEH

**Order**

The Plaintiff, Cincinnati Insurance Company, filed its Complaint on July 6, 2017. (D. 1).<sup>1</sup> The Plaintiff's Complaint asserts diversity of citizenship as the basis for the Court's jurisdiction. *Id.* at pg. 3. The allegations of the Complaint are insufficient to support that assertion.

The court may *sua sponte* raise the issue of federal subject matter jurisdiction. *Tylka v. Gerber Products Co.*, 211 F.3d 445, 447 (7th Cir. 2000) (citations omitted). For diversity purposes, the citizenship of a limited liability company is the citizenship of each of its members. *Wise v. Wachovia Securities, LLC*, 450 F.3d 265, 267 (7th Cir. 2006). The Plaintiff's complaint does not identify the members of the Defendant LLC or allege the citizenship of those members. Therefore, the Plaintiff's complaint is insufficient to invoke diversity jurisdiction.

The Court may grant leave to amend defective allegations of subject matter jurisdiction pursuant to 28 U.S.C. § 1653. See also, *Leaf v. Supreme Court of State of*

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<sup>1</sup> Citations to the Docket in this case are abbreviated as "D. \_\_\_."

*Wis.*, 979 F.2d 589, 595 (7th Cir. 1992) (“leave to amend defective allegations of subject matter jurisdiction should be freely given”)(citations omitted). The Plaintiff is directed to file an amended complaint that adequately alleges the factual basis for this Court’s jurisdiction. Accordingly, it is hereby ORDERED that the Plaintiff file an Amended Complaint not later than fourteen (14) days from the date of entry of this Order. In the Amended Complaint, the Plaintiff shall properly allege the basis for this Court’s jurisdiction.

*It is so ordered.*

Entered on July 7, 2017

s/Jonathan E. Hawley

U.S. MAGISTRATE JUDGE