

Order Form (01/2005)

United States District Court, Northern District of Illinois

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| Name of Assigned Judge or Magistrate Judge | James F. Holderman | Sitting Judge if Other than Assigned Judge | |
| CASE NUMBER | 10 C 4943 | DATE | 8/11/2010 |
| CASE TITLE | Roger Larkin vs. McDonald's USA, LLC, et al. | | |

DOCKET ENTRY TEXT

On August 5, 2010, plaintiff Roger Larkin ("Larkin") filed a complaint bringing state law claims for negligence and product liability against the named defendants. According to Larkin, this court has subject matter jurisdiction over his claims "pursuant to 28 U.S.C. § 1332(a)(1)." (Compl. ¶ 13.) The court, however, is unable to determine at this time whether diversity jurisdiction is appropriate because it lacks information regarding the citizenship of the members of McDonald's USA, LLC ("McDonald's"). *See Thomas v. Guardsmark, LLC*, 487 F.3d 531, 534 (7th Cir. 2007). "[A]s the party seeking to invoke federal jurisdiction, [Larkin] bears the burden of demonstrating that the requirements for diversity are met." *Smart v. Local 702 Int'l Bhd. of Elec. Workers*, 562 F.3d 798, 802-03 (7th Cir. 2009); *see also* Fed. R. Civ. P. 8(a)(1). Accordingly, Larkin's complaint is dismissed for lack of jurisdiction. *See Pollution Control Indus. of Am., Inc. v. Van Gundy*, 21 F.3d 152, 155 (7th Cir. 1994). Larkin is granted leave to file a First Amended Complaint on or before August 25, 2010, should he desire to do so consistent with this opinion and with the relevant facts regarding the citizenship of McDonald's members.

Notices mailed.

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| | Courtroom Deputy Initials: | AMM |
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