

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

SUSAN KORTE, Personal Representative of
the Estate of Brian Ennen,

Plaintiff,

v.

NONA WESTFALL, Personal
Representative of the Estate of Kevin Ennen,

Defendant.

Case No. 09-cv-826-JPG

MEMORANDUM AND ORDER

This matter comes before the Court after review of the plaintiff's amended complaint (Doc. 8) in which she alleges the plaintiff's decedent and the defendant's decedent were both citizens of the state of Illinois prior to their deaths. Because the citizenship of the legal representative of an estate is deemed to be that of the decedent, 28 U.S.C. § 1332(c)(2); *see Gustafson v. zumBrunnen*, 546 F.3d 398, 400-01 (7th Cir. 2008); *Konradi v. United States*, 919 F.2d 1207, 1214 (7th Cir. 1990), the plaintiff and defendant are deemed to be citizens of Illinois and are not diverse. Thus, they do not meet the condition for diversity jurisdiction that the parties be citizens of different states. *See* 28 U.S.C. § 1332(a)(1). Accordingly, the Court **DISMISSES** this case **without prejudice** for **lack of jurisdiction** and **DIRECTS** the Clerk of Court to enter judgment accordingly.

IT IS SO ORDERED.

DATED: October 16, 2009

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE