

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ANTHONY FRANK DISTEFANO,

Plaintiff,

v.

KINDER MORGAN RIVER TERMINALS,
LLC, and TAMMY MOELLER-CLARK,

Defendants.

Case No. 10-cv-1028-JPG

MEMORANDUM AND ORDER

In light of Seventh Circuit admonitions, *see, e.g., America’s Best Inns, Inc. v. Best Inns of Abilene, L.P.*, 980 F.2d 1072 (1992), the Court has undertaken a rigorous initial review of pleadings to ensure that jurisdiction has been properly pled. The Court has noted the following defects in the jurisdictional allegations of the Notice of Removal (Doc. 2) filed by Kinder Morgan, Inc.:

- **Non-party filed Notice of Removal.** The defendant in the original state court case was Kinder Morgan River Terminals, LLC, but the Notice of Removal was filed by Kinder Morgan, Inc.
- **Failure to allege a the citizenship of each member of an unincorporated association.** To determine if complete diversity exists, the Court must examine the citizenship of each member of a limited liability company. *See Belleville Catering Co. v. Champaign Market Place, L.L.C.*, 350 F.3d 691, 692 (7th Cir. 2003). The relevant pleading must affirmatively allege the specific states of citizenship of each member of the limited liability company, and “the citizenship of unincorporated associations must be traced through however many layers of partners or members there may be.” *Meyerson v. Harrah’s E. Chicago Casino*, 299 F.3d 616, 617 (7th Cir. 2002). The Notice of Removal does not allege the citizenship of each member of Kinder Morgan River Terminals, LLC.

The Court hereby **ORDERS** Kinder Morgan, Inc. to **SHOW CAUSE** on or before January 14, 2011, why this case should not be remanded for lack of subject matter jurisdiction. Failure to respond to this order may result in remand of this case for lack of subject matter

jurisdiction. Amendment of the faulty pleading to reflect an adequate basis for subject matter jurisdiction and the proper parties to this case will satisfy this order. Kinder Morgan, Inc. is directed to consult Local Rule 15.1 regarding amended pleadings and need not seek leave of Court to file such amended pleading.

IT IS SO ORDERED.

DATED: January 3, 2011

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