

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

KENNETH KLAYBOR, *independent
Administrator of the Estate of Matthew
Klaybor, deceased,*

Plaintiffs,

v.

FLOWERS BAKING COMPANY
OF BATESVILLE, LLC, et al.,

Defendants.

Case No. 14-cv-95-JPG-DGW

MEMORANDUM AND ORDER

In light of Seventh Circuit Court of Appeals admonitions, *see Foster v. Hill*, 497 F.3d 695, 696-97 (7th Cir. 2007), the Court has undertaken a rigorous initial review of pleadings to ensure that jurisdiction has been properly pled. The Court has noted the following defect in the jurisdictional allegations of the Complaint (Doc. 2) filed by plaintiff: Kenneth Klaybor, *independent administrator of the Estate of Matthew Klaybor, deceased*.

- For the purposes of diversity jurisdiction, an LLC's citizenship "is the citizenship of its members." *Cosgrove v. Bartolotta*, 150 F.3d 729, 731 (7th Cir. 1998). Accordingly, the proponent of federal diversity jurisdiction must plead the citizenship of each of the LLC's members.

The Court hereby **ORDERS** that plaintiff, Kenneth Klaybor, *independent administrator of the Estate of Matthew Klaybor, deceased*, shall have up to and including February 24, 2014 to amend the faulty pleading to correct the jurisdictional defect. *See* 28 U.S.C. § 1653. Failure to amend the faulty pleading may result in dismissal of this case for lack of subject matter jurisdiction. Amendment of the faulty pleading to reflect an adequate basis for subject matter jurisdiction will satisfy this order. Kenneth Klaybor, *independent administrator of the Estate of*

Matthew Klaybor, deceased, 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: February 7, 2014

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