

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MATEI TOMOIAGE, individually, and as
Special Administrator of Matei Tomoiage, Jr.,
Deceased and Dyana Tomoiage, Deceased, and
ALINA TOMOIAGE, individually, and as
Special Administrator of Matei Tomoiage, Jr.,
Deceased and Dyana Tomoiage, Deceased, and
as Mother and Next Friend of CARINA
TOMOIAGE, a minor,

Plaintiffs,

v.

NEWTON XPRESS, LLC, MARTIN
TRANSPORTATION SYSTEMS, INC. and
JAVIER MATUTE,

Defendants.

Case No. 14-cv-330-JPG-

MEMORANDUM AND ORDER

On June 12, 2014, the Court noted several defects in the jurisdictional allegations of defendant Javier Matute's jurisdictional allegations and gave Matute an opportunity to amend the notice of removal to correct those defects (Doc. 42). Matute has submitted a supplement to his notice of removal which cures some, but not all, of those defects. To ensure it has federal jurisdiction over this case, the Court **ORDERS** Matute to amend his notice of removal on or before July 25, 2014, to include the following specific jurisdictional facts:

1. **The citizenship of each member of defendant Newton Xpress, LLC at the time of removal.** Because this defendant is an LLC and not a corporation, the states of "incorporation" and principal place of business are irrelevant. Only the citizenships of its members are relevant.
2. **The citizenship of minor Carina Tomoiage at the time of removal.** Her legal representative will be deemed to be a citizen of this state.

3. **The citizenship of decedents Matei Tomoiage, Jr. and Dyana Tomoiage at the time of their deaths.** The legal representatives of their estates will be deemed to be a citizen of these states.

The Court **WARNS** Matute that if he fails to specifically allege the foregoing facts, the Court will find that he has not satisfied his burden to establish federal jurisdiction, *see McNutt v. General Motors Acceptance Corp.*, 298 U.S. 178, 189 (1936), and will remand this case for lack of subject matter jurisdiction. Defendant Matute 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: July 2, 2014

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