

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

DAVID T. CLAY,

Plaintiff,

v.

ANEL DADO DURAKOVIC and  
SAM TRANSPORT LLC,

Defendants.

Case No. 17-cv-00313-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. *See Hertz Corp. v. Friend*, 559 U.S. 77, 94 (2010) (noting courts' "independent obligation to determine whether subject-matter jurisdiction exists, even when no party challenges it"). The Court has noted the following defects in the jurisdictional allegations of the Complaint (Doc. 1):

**1. Failure to allege 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 Carden v. Arkoma Assocs.*, 494 U.S. 185, 195-96 (1990); *Belleville Catering Co. v. Champaign Market Place, LLC*, 350 F.3d 691, 692 (7th Cir. 2003) (partnerships and limited liability companies are citizens of every state of which any member is a citizen); *Indiana Gas Co. v. Home Ins. Co.*, 141 F.3d 314, 316 (7th Cir. 1998). The relevant pleading must affirmatively allege the specific states of citizenship of each member of **SAM TRANSPORT LLC**.

The Court hereby **ORDERS** defendants to **SHOW CAUSE** on or before **April 17, 2017** why this case should not be dismissed for lack of jurisdiction. The Court **WARNS** that failure to respond to this order may result in the dismissal of this case for lack of jurisdiction. Amendment

of the faulty pleading to reflect the correct status of **SAM Transport LLC** and its members will satisfy this order. Defendants are 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:** 3/27/2017

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