

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

BRENDA KRIEGER, Administrator of the Estate of
James Krieger,

Plaintiff,

v.

GURMIT SINGH; SULTAN TRUCKING, INC.;
ARMSTRONG TRANSPORTATION, LLC;
ARMSTRONG TRANSPORT, LLC; SJ TRANS,
INC.; YADWINDER SINGH; UNITED STATES
COLD STORAGE OF CALIFORNIA; SUPHERB
FARMS; ARMANINO FARMS OF CALIFORNIA,
INC.; MCCORMICK & COMPANY, INC.;
DAREGAL, INC.; and ARMSTRONG TRANSPORT
GROUP, LLC,

Defendants.

Case No. 24-cv-2530-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on the unopposed motion of plaintiff Brenda Krieger, administrator of the estate of James Krieger, for leave to file a Third Amended Complaint to add a new defendant to this case (Doc. 40). Krieger prematurely filed the Third Amended Complaint before the Court's ruling on the motion. Nevertheless, for the reasons stated in the Court's January 17, 2025, order, the Court **GRANTS** the motion to amend the complaint to add a new defendant to this case (Doc. 40) and accepts the Third Amended Complaint (Doc. 41).

The Court's prior Order to Show Cause remains valid (Doc. 24). The plaintiff must show cause within 21 days of her filing the First Amended Complaint—that is, on or before February 13, 2025—why the Court should not dismiss this case for lack of subject matter jurisdiction based on the failure—a repeated failure—to establish complete diversity, specifically, the failure to properly plead the citizenship of any of the LLC defendants in this case. The Court's prior explanations of the relevant factors for determining LLC citizenship have fallen on deaf ears, so the Court again

instructs that to plead the proper citizenship of an LLC, a complaint must allege (1) all of the members of the LLC and (2) the citizenship of each of the members of that LLC. It is not enough to state “the member,” “the managing member” or “a managing member” is a citizen of a state without specifying that there are no more members other than that one member. Further, the LLC’s residence, principal place of business, and state of organization are irrelevant; likewise, its agent’s citizenship is irrelevant. The plaintiff’s response to the order to show cause must explain why she has been unable so far to comply with these simple pleading requirements. Failure to respond to the order to show cause may result in dismissal of this case for lack of subject matter jurisdiction or for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

The Court further **AMENDS** the order to show cause as follows (Doc. 24). In light of the plaintiff’s unauthorized filing of the Third Amended Complaint to add a new defendant whose citizenship is not properly pled, the Court **ORDERS** that the plaintiff may not file a Fourth Amended Complaint curing the LLC citizenship pleading defects without first submitting the proposed amended pleading to the Court for its review.

IT IS SO ORDERED.
DATED: January 28, 2025

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