

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION**

<b>JD FACTORS, LLC,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>CAUSE NO. 1:09-CV-95</b>
	)	
<b>FREIGHTCO, LLC,</b>	)	
	)	
<b>Defendant.</b>	)	

**OPINION AND ORDER**

It has come to the Court’s attention through Defendant’s Motion for Leave to File Second Amended Answer and Counterclaim (Docket # 46) that Defendant Freightco, LLC, has (or had at one point in time) a fourth member, Tracy Shaw, who was not previously disclosed on the record. (*Compare* Am. Compl. ¶ 2; Am. Answer ¶ 2, *with* Second Am. Answer ¶ 2); *see generally* *Craig v. Ontario Corp.*, 543 F.3d 872, 875 (7th Cir. 2008) (“Subject-matter jurisdiction is so central to the district court’s power to issue any orders whatsoever that it may be inquired into at any time, with or without a motion, by any party or by the court itself.”).

As stated in this Court’s Opinion and Order dated April 17, 2009 (Docket # 9), a limited liability company’s citizenship “for purposes of . . . diversity jurisdiction is the citizenship of its members.” *Cosgrove v. Bartolotta*, 150 F.3d 729, 731 (7th Cir. 1998). Therefore, the Court must be advised of the citizenship of *all* the members of Freightco, LLC, to ensure that none of its members share a common citizenship with Plaintiff. *Hicklin Eng’g, L.C. v. Bartell*, 439 F.3d 346, 347 (7th Cir. 2006). For purposes of determining diversity jurisdiction, each party’s citizenship must be articulated as of “the time of the filing of the complaint,” rather than the date the claims are alleged to have arisen or some other time material to the lawsuit. *Multi-M Int’l*,

*Inc. v. Paige Med. Supply Co.*, 142 F.R.D. 150, 152 (N.D. Ill. 1992).

Moreover, “[a]llegations of federal subject matter jurisdiction may not be made on the basis of information and belief, only personal knowledge.” *Yount v. Shashek*, No. Civ. 06-753-GPM, 2006 WL 4017975, at \*10 n.1 (S.D. Ill. Dec. 7, 2006) (citing *Am.’s Best Inns, Inc. v. Best Inns of Abilene, L.P.*, 980 F.2d 1072, 1074 (7th Cir. 1992)); *Ferolie Corp. v. Advantage Sales & Mktg., LLC*, No. 04 C 5425, 2004 WL 2433114, at \*1 (N.D. Ill. Oct. 28, 2004); *Hayes v. Bass Pro Outdoor World, LLC*, No. 02 C 9106, 2003 WL 187411, at \*2 (N.D. Ill. Jan. 21, 2003); *Multi-M Int’l, Inc.*, 142 F.R.D. at 152.

Therefore, Defendant is ORDERED to supplement or clarify the record by October 26, 2009, concerning the citizenship of each of its members at the time of the filing of Plaintiff’s complaint.

SO ORDERED.

Enter for this 16th day of October, 2009.

/S/ Roger B. Cosby  
Roger B. Cosby,  
United States Magistrate Judge