

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

OTAY GROUP, INC.,)	
)	
Plaintiff,)	
)	
v.)	CAUSE NO. 1:09-CV-137
)	
HERCULES MACHINERY CORPORATION,)	
)	
Defendant.)	

OPINION AND ORDER

Plaintiff Otay Group, Inc., filed its complaint in this Court on May 21, 2009, alleging that the Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332(a). (Docket # 1.) In its complaint, the Plaintiff alleges that it is a California corporation with its principal place of business in Chula Vista, California. (Compl. ¶ 1.) The Plaintiff further states, “On information and belief, [Defendant] Hercules [Machinery Corporation] is an Indiana corporation and has a principal place of business in Fort Wayne, Indiana.” (Compl. ¶ 2.)

Plaintiff’s complaint, however, is inadequate because “[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. Consequently, the Plaintiff must properly allege the Defendant’s citizenship with personal knowledge.

The Plaintiff is therefore ORDERED to file an amended complaint forthwith, properly alleging the Defendant's citizenship.

SO ORDERED.

Enter for this 2nd day of June, 2009.

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