

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

DOUGLAS T. CURRIE,)	
)	
Plaintiff,)	
)	
v.)	CAUSE NO. 1:09-cv-00243
)	
AUSTIN MOHAWK AND COMPANY, INC.,)	
)	
Defendant.)	

OPINION AND ORDER

This case was filed in the United States District Court for the Northern District of Indiana, Fort Wayne Division, based on diversity jurisdiction pursuant to 28 U.S.C. § 1332(a) on August 26, 2009. (Docket # 1.) Upon order of the Court, Plaintiff filed an Amended Complaint on August 31, 2009, identifying Plaintiff’s “current[]” state of citizenship as Indiana and the Defendant’s status as a New York corporation. (Docket #4.)

Plaintiff’s Complaint, however, remains inadequate, because 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).¹

Therefore, Plaintiff is ORDERED to file a Second Amended Complaint forthwith that

¹ 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 1874111, at *2 (N.D. Ill. Jan. 21, 2003); *Multi-M Int’l, Inc.*, 142 F.R.D. at 152.

properly identifies Plaintiff's state of citizenship at the time of filing of the complaint.

SO ORDERED.

Enter for this 31st day of August, 2009.

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