

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

LAWRENCE R. ROUBEN, M.D.,)
)
Plaintiff,)
)
v.)
)
PARKVIEW HOSPITAL, INC.,)
GREG JOHNSON, D.O. and)
JOHN DOES 1-10,)
)
Defendants.)

CAUSE NO. 1:10-CV-397

OPINION AND ORDER

Plaintiff filed this case in this Court based on diversity jurisdiction pursuant to 28 U.S.C. § 1332(a). (Docket # 1.) On November 17, 2010, the Plaintiff was ordered to file an Amended Complaint to establish the principal place of business of Defendant Parkview Hospital, Inc. Although the Plaintiff’s Amended Complaint properly alleges Parkview’s principal place of business, another issue may prevent this Court from exercising diversity jurisdiction.

“[T]he existence of diversity jurisdiction cannot be determined without knowledge of every defendant’s place of citizenship.” *Howell v. Tribune Entm’t Co.*, 106 F.3d 215, 218 (7th Cir. 1997). In the present case, the Plaintiff alleges that Defendants “John Does 1-10” are also liable to him. (Am. Compl. ¶ 14.) However, “John Doe” defendants are ordinarily not allowed in federal diversity suits. *Moore v. General Motors Pension Plans*, 91 F.3d 848, 850 (7th Cir. 1996). There are limited exceptions to this rule, namely when the “John Doe” is irrelevant to diversity jurisdiction, *Moore*, 91 F.3d at 850; *U.S. Fire Ins. Co., Inc. v. Charter Financial Group, Inc.*, 851 F.2d 957, 959 n.3 (7th Cir. 1988), or when naming “John Doe” will not defeat the named defendant’s right to otherwise remove the case to federal court. *See* 28 U.S.C. §

1441(a).

Accordingly, the Plaintiff is granted to and including December 15, 2010, to file a Second Amended Complaint establishing the citizenship of Defendants John Doe 1-10 or, alternatively, to show cause why the case as plead should not be dismissed for lack of subject matter jurisdiction.

SO ORDERED.

Enter for November 29, 2010.

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