

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

**PHILLIP C. BAKER and KIM R. BAKER,** )  
 )  
 **Plaintiffs,** )  
 )  
 **v.** )  
 )  
 **DAIMLER TRUCKS** )  
 **NORTH AMERICA, LLC, and STERLING** )  
 **TRUCK CORPORATION** )  
 )  
 **Defendants.** )

**CAUSE NO. 1:11-CV-87**

**OPINION AND ORDER**

This case was removed to this Court from the Jay Circuit Court by Defendants based on diversity jurisdiction pursuant to 28 U.S.C. § 1332(a). (Docket # 2.) The Notice of Removal alleges that Defendant Daimler Trucks North America is a “limited liability company organized in the state of Delaware, with its principal place of business in the state of Oregon, and by virtue of which it was and is a citizen of the states of Delaware and Oregon . . . .” (Notice of Removal ¶ 3.) The Defendants’ jurisdictional allegations, however, are inadequate to support this Court’s diversity jurisdiction.

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 *each member* of Daimler Trucks North America, LLC to ensure that none of its members share a common citizenship with the Plaintiffs. *See Hicklin Eng’g, L.C. v. Bartell*, 439 F.3d 346, 347 (7th Cir. 2006). Moreover, citizenship must be “traced through multiple levels” for those members of Daimler Trucks North America, LLC who are themselves a partnership or a limited liability company, as anything less can result

in a dismissal or remand for want of jurisdiction. *Mut. Assignment & Indem. Co. v. Lind-Waldock & Co., LLC*, 364 F.3d 858, 861 (7th Cir. 2004).

Therefore, the Defendants are ORDERED to file an amended Notice of Removal forthwith, properly alleging the citizenship of each member of Daimler Trucks North America, LLC and, if necessary, tracing the citizenship of unincorporated associations through all applicable layers of ownership.

SO ORDERED.

Enter for March 11, 2011.

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