

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

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|---------------------------------|---|-----------------------|
| POOL CORPORATION, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CAUSE NO. 1:11-CV-423 |
| |) | |
| PENSKE TRUCK LEASING CO., L.P., |) | |
| |) | |
| Defendant. |) | |

OPINION AND ORDER

This case was removed to this Court from the Allen Superior Court by the Defendant based on diversity jurisdiction pursuant to 28 U.S.C. § 1332(a). (Docket # 2.) The Notice of Removal alleges that the Defendant, Penske Truck Leasing Co., L.P., is “a limited partnership organized and existing under the laws of the State of Pennsylvania with a principal place of business in the State of Pennsylvania, which does business in the State of Indiana.” (Notice of Removal ¶ 6.)

The Defendant’s Notice of Removal, however, is inadequate as to the citizenship of Penske Trucking Leasing Co., L.P., because, “a limited partnership has the citizenships of each partner, general and limited.” *Guar. Nat’l Title Co., Inc. v. J.E.G. Assoc.*, 101 F.3d 57, 59 (7th Cir. 1996) (“There is no such thing as ‘a [state name] limited partnership’ for purposes of the diversity jurisdiction. There are only partners, each of which has one or more citizenships.”); *see also Hart v. Terminex Int’l*, 336 F.3d 541, 544 (7th Cir. 2003). Thus, a court “need[s] to know the name and citizenship(s) of its general and limited partners.” *Guar. Nat’l Title Co., Inc.*, 101 F.3d at 59; *Meyerson v. Showboat Marina Casino P’ship*, 312 F.3d 318, 320-21 (7th Cir. 2002).

Moreover, “the citizenship of unincorporated associations must be traced through however many layers of partners or members there may be.” *Meyerson*, 312 F.3d at 320; *see also Indiana Gas Co. v. Home Ins. Co.*, 141 F.3d 314, 316 (7th Cir. 1998) (“[B]oth general and limited partnerships are citizens of every jurisdiction of which any partner is a citizen.”).

Therefore, Defendant is ORDERED to supplement the record by filing an Amended Notice of Removal on or before January 6, 2012, properly alleging the citizenship of Penske Truck Leasing Co., L.P., and tracing the citizenship of all unincorporated associations through all applicable layers of ownership.

SO ORDERED.

Enter for this 28th day of December, 2011.

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