

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

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|---|---|------------------------------|
| SUSAN CLARK, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CAUSE NO. 1:12-CV-331 |
| |) | |
| PANERA, LLC, and ARAMARK UNIFORM |) | |
| SERVICES II, INC., |) | |
| |) | |
| Defendants. |) | |

OPINION AND ORDER

This case was removed to this Court from the Allen Superior Court by Defendant ARAMARK Uniform & Career Apparel, LLC, (purportedly named incorrectly as ARAMARK Uniform Services II, Inc.) based on diversity jurisdiction pursuant to 28 U.S.C. § 1332(a). (Docket # 8.) The Notice of Removal alleges that “Defendant Panera, LLC, is a wholly owned subsidiary of Panera Bread Company and is a Delaware limited liability company. Panera, LLC, is headquartered primarily in Richmond Heights, Missouri, with its principal place of business in Richmond Heights, Missouri.” (Notice of Removal ¶ 4(b).)

Defendant’s Notice of Removal, however, is inadequate as to the citizenship of Panera, LLC. 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 all the members of Panera, LLC, to ensure that none of its members share a common citizenship with Plaintiff. *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 Panera, LLC, who are 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). As such, alleging that Panera, LLC, has its primary headquarters and principal place of business in Missouri is insufficient to establish its citizenship.

Therefore, Defendant ARAMARK Uniform & Career Apparel, LLC, is ORDERED to supplement the record by filing an Amended Notice of Removal on or before October 9, 2012, properly alleging the citizenship of Defendant Panera, LLC, and tracing the citizenship of all unincorporated associations through all applicable layers of ownership.

SO ORDERED.

Enter for this 24th day of September, 2012.

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