

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

**DEBBY MOORE, as personal representative of)
the estate of RICHARD STRICLER, deceased,)
)
Plaintiff,)
)
v.)
)
TEXAS ROADHOUSE OF FORT WAYNE,)
LLC,)
)
Defendant.)**

CAUSE NO. 1:12-CV-379

AMENDED OPINION AND ORDER

On October 30, 2012, this Court issued an order calling for Defendant Texas Roadhouse of Fort Wayne, LLC to file an Amended Notice of Removal properly reciting the citizenship of Plaintiff Debby Moore. (Docket # 9.) Because Moore is suing as the personal representative of decedent Richard Stricler’s estate, however, it is Stricler’s citizenship, as the decedent, that governs for purposes of diversity jurisdiction. See 28 U.S.C. § 1332(c)(2) (stating that “the legal representative of the estate of a decedent shall be deemed to be a citizen only of the same State as the decedent”); *Gustafson v. zumBrunnen*, 546 F.3d 398, 400-01 (7th Cir. 2008) (noting that the federal diversity statute treats the legal representative of a decedent’s estate as a citizen of the same state as the decedent).

Accordingly, the Amended Notice of Removal that Defendant has previously been ordered to file should recite, on personal knowledge, the citizenship of decedent Richard Stricler, which is based on his domicile, *Dausch v. Rykse*, 9 F.3d 1244, 1245 (7th Cir. 1993), rather than

the citizenship of Plaintiff Debby Moore.

SO ORDERED.

Enter for this 31st day of October, 2012.

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