

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

STEVEN EARNHART,

Plaintiff,

v.

**CARGILL, INCORPORATED and
SUNGLO FEEDS,**

Defendants.

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CAUSE NO. 1:13-CV-129

OPINION AND ORDER

This matter is before the Court on Plaintiff’s Motion for Leave to Amend Complaint, in which Plaintiff seeks to add Provimi North America, Inc., as a Defendant and dismiss Cargill, Incorporated and Sunglo Feeds as Defendants. (Docket # 18.) The proposed amended complaint, however, alleges that “[u]pon information and belief,” Defendant Provimi North America, Inc., is a corporation organized and existing under the laws of the State of Delaware with its principal place of business in Ohio. (Docket # 18-1 at ¶ 2.)

But it is well-settled that “[a]llegations of federal subject matter jurisdiction may not be made on the basis of information and belief, only personal knowledge.” *Yount v. Shashek*, No. Civ. 06-753-GPM, 2006 WL 4017975, at *10 n.1 (S.D. Ill. Dec. 7, 2006) (citing *Am.’s Best Inns, Inc. v. Best Inns of Abilene, L.P.*, 980 F.2d 1072, 1074 (7th Cir. 1992)); *Ferolie Corp. v. Advantage Sales & Mktg., LLC*, No. 04 C 5425, 2004 WL 2433114, at *1 (N.D. Ill. Oct. 28, 2004); *Hayes v. Bass Pro Outdoor World, LLC*, No. 02 C 9106, 2003 WL 187411, at *2 (N.D. Ill. Jan. 21, 2003); *Multi-M Int’l, Inc. v. Paige Med. Supply Co.*, 142 F.R.D. 150, 152 (N.D. Ill. 1992). Consequently, Plaintiff’s Motion for Leave to Amend Complaint (Docket # 18) is

DENIED WITHOUT PREJUDICE to Plaintiff properly reasserting the citizenship of Provimi North America, Inc., on personal knowledge rather than information and belief.

SO ORDERED.

Enter for this 14th day of May, 2013.

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