

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

WEIGAND CONSTRUCTION CO.,)
INC.,)
)
Plaintiff,)
)
v.)
)
WORTMAN BROTHERS, LLC, and)
WESTERN SURETY COMPANY,)
)
Defendants.)

CASE NO: 1:14-cv-210

OPINION and ORDER

This case was filed here on July 14, 2010, by Plaintiff Weigand Construction Company, Inc., an Indiana corporation with its principal place of business in Indiana, based on diversity jurisdiction pursuant to 28 U.S.C. § 1332(a). (Docket # 1.) The complaint alleges that Defendant Western Surety is a South Dakota corporation with its principal place of business in Illinois, and that Defendant Wortman Brothers, LLC, is an Ohio limited liability company with its principal place of business in Ohio. (Compl. ¶¶ 2, 3.)

As the party seeking to invoke federal diversity jurisdiction, Plaintiff bears the burden of demonstrating that the requirement of complete diversity has been met. *Chase v. Shop ‘N Save Warehouse Foods, Inc.*, 110 F.3d 424, 427 (7th Cir. 1997). Here, however, the complaint fails to properly allege the citizenship of Wortman Brothers, LLC.

To explain, 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). Such citizenship must be “traced through multiple levels” for those members of

Wortman Brothers, LLC, who are a partnership or limited liability company, as anything less can result in a dismissal for want of jurisdiction. *Mut. Assignment & Indem. Co. v. Lind-Waldock & Co., LLC*, 364 F.3d 858, 861 (7th Cir. 2004). Therefore, Plaintiff must advise the Court of each member of Wortman Brothers, LLC, and such member's citizenship.¹

Accordingly, Plaintiff is ORDERED to supplement the record by filing an Amended Complaint on or before July 29, 2014, properly alleging the citizenship of Defendant Wortman Brothers, LLC.

SO ORDERED.

Enter for this 15th day of July, 2014.

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

¹ "Allegations 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)).