UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

VITALIY KURNOSKIN,	**)**	
	)	
Plaintiff,	**)**	
	)	
v.	**)**	**No. 1:14 CV 406**
	)	
REINHART TRANSPORTATION	**)**	
LLC, *et al.,*	**)**	
	)	
Defendants.	**)**	

OPINION and ORDER

Plaintiff Vitaliy Kurnoskin, a resident of Florida, filed the present lawsuit based

on diversity jurisdiction pursuant to 28 U.S.C. § 1332(a)(1). (DE # 1.) Defendant Reinhart

Transportation LLC, has moved to dismiss pursuant to Federal Rule of Civil Procedure

12(b)(2). (DE # 20.) Rule 12(b)(2) requires dismissal of a claim where personal

jurisdiction is lacking. After a defendant moves to dismiss under Rule 12(b)(2), "the

plaintiff bears the burden of demonstrating the existence of jurisdiction." *Purdue*

Research Found. v. Sanofi-Synthelabo, S.A., 338 F.3d 773, 782 (7th Cir. 2003).

Section 1332(a)(1) requires diversity of citizenship – that is, all plaintiffs in this

lawsuit must be citizens of different states than all of the defendants. For limited

liability companies like defendant Reinhart Transportation LLC, citizenship "for

purposes of . . . diversity jurisdiction is the citizenship of its members." *Cosgrove v.*

Bartolotta, 150 F.3d 729, 731 (7th Cir. 1998). Further, citizenship of an LLC "may need to

be traced through multiple levels if any of its members is itself a partnership or LLC."

Mut. Assign. & Indemn. Co. v. Lind-Waldock & Co., LLC, 364 F.3d 858, 861 (7th Cir. 2004).

Defendant Reinhart Transportation LLC has informed the court that its only member is Reinhart Foodservice, LLC, which in turn has three individual members. (DE # 20.) Two of these members are Florida residents, like plaintiff. (*Id.*) The time for plaintiff to respond to Reinhart's motion has passed, and plaintiff has not attempted to demonstrate the existence of jurisdiction.

Accordingly, defendant Reinhart Transportation LLC's motion to dismiss for lack of jurisdiction (DE # 20) is **GRANTED.**

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SO ORDERED.

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Date: July 15, 2015

              s/ James T. Moody
             JUDGE JAMES T. MOODY
             UNITED STATES DISTRICT COURT