

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

BANDIDO’S, INC.,)	
)	
Plaintiff,)	
)	
v.)	CAUSE NO. 1:15-CV-140-JVB-SLC
)	
DUPONT PLACE JM, LLC,)	
)	
Defendant.)	

OPINION AND ORDER

This case was removed to this Court from the Allen Superior Court by Defendant Dupont Place JM, LLC, based on diversity jurisdiction pursuant to 28 U.S.C. § 1332(a). (DE 1). The Notice of Removal alleges that Plaintiff Bandido’s, Inc., is an Indiana corporation with its principal place of business in Indiana, and that the “sole member of [Defendant Dupont Place JM, LLC] is The Jeffrey A. Lehmann and Monica S. Lehmann Revocable Trust dated January 23, 2001, thus making it a citizen of California.” (DE 1 at ¶¶ 4, 5).

The Notice of Removal, however, is inadequate with respect to Defendant. A trust’s citizenship is determined by the citizenship of its trustee(s). *Grede v. Bank of N.Y. Mellon*, 598 F.3d 899, 901 (7th Cir. 2010); *May Dep’t Stores Co. v. Fed. Ins. Co.*, 305 F.3d 597, 599 (7th Cir. 2002). Yet the Notice of Removal fails to state the identity and citizenship of the trustee(s). As such, it is unclear on what basis Defendant asserts that it is a citizen of California.

Accordingly, Defendant is ORDERED to supplement the record by filing an amended notice of removal on or before June 22, 2015, properly alleging the citizenship of Defendant

Dupont Place JM, LLC.¹

SO ORDERED.

Enter for this 8th day of June, 2015.

s/ Susan Collins
Susan Collins
United States Magistrate Judge

¹ Defendant is reminded that with respect to individuals, “it is the *citizenship*, not the residency, of individual persons that matters for diversity jurisdiction.” *Bou-Matic, LLC v. R.J. Fullwood & Bland, Ltd.*, No. 08-cv-441-bbc, 2008 WL 4691831, at *2 (W.D. Wis. Oct. 22, 2008). “An individual is a citizen of the state in which he is domiciled, that is, where he has a permanent home and principal establishment, and to which he has the intention of returning whenever he is absent therefrom.” *Id.* (citation and internal quotation marks omitted).