

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

<p><b>KEN CALHOUN,</b></p> <p style="text-align: center;"><b>Plaintiff,</b></p> <p><b>v.</b></p> <p><b>WAL-MART STORES EAST, LP,</b> <b>d/b/a Walmart Supercenter,</b></p> <p style="text-align: center;"><b>Defendant.</b></p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p><b>Cause No. 1:15-cv-00324-JVB-SLC</b></p>
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**OPINION AND ORDER**

Defendant Wal-Mart Stores East, LP, removed this case here on November 4, 2015, from Allen Superior Court, alleging that the Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332. (DE 1). In its Petition for Removal, Defendant alleges that Plaintiff is a citizen of Indiana and that Defendant Wal-Mart Stores East, LP, is:

a Delaware Limited Partnership, of which WSE Management, LLC, a Delaware Limited Liability Company, is the general partner, and WSE Investment, LLC, a Delaware Limited Liability Company, is the limited partner. The sole member of WSE Management, LLC and WSE Investment, LLC is Wal-mart Stores East, LLC, an Arkansas Limited Liability Holding Company with its principal place of business located in the State of Arkansas.

(DE 1 ¶ 3). Defendant’s Petition for Removal, however, fails to adequately articulate its citizenship for purposes of diversity jurisdiction.

For diversity purposes, “both general and limited partnerships are citizens of every jurisdiction of which any partner is a citizen.” *Ind. Gas Co. v. Home Ins. Co.*, 141 F.3d 314, 316 (7th Cir. 1998). And the citizenship of a limited liability company for purposes of diversity jurisdiction is “the citizenship of its members.” *Cosgrove v. Bartolotta*, 150 F.3d 729, 731 (7th Cir. 1998). Accordingly, citizenship for these entities must be “traced through multiple levels,”

as anything less can result in a remand for want of jurisdiction. *Mut. Assignment & Indem. Co. v. Lind-Waldock & Co., LLC*, 364 F.3d 858, 861 (7th Cir. 2004).

Here, after tracing the citizenship of Defendant to Wal-Mart Stores East, LLC, Defendant then fails to state and trace the citizenship of all of the members of Wal-Mart Stores East, LLC. As a result, the Court is not informed of the identity of the members of Wal-Mart Stores East, LLC, and each member's citizenship.<sup>1</sup> Therefore, Defendant is ORDERED to supplement the record on or before November 18, 2015, by filing an amended notice of removal that properly recites its citizenship.

SO ORDERED.

Enter for this 4th day of November 2015.

/s/ Susan Collins  
Susan Collins  
United States Magistrate Judge

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<sup>1</sup> This same Defendant in *Bunch v. Wal-Mart*, alleged that the sole member of WSE Management, LLC, and WSE Investment, LLC, was Wal-Mart Stores East, Inc., not Wal-Mart Stores East, LLC. 1:09-CV-71, 2009 WL 1606860, at \*2 (N.D. Ind. June 4, 2009). As explained in *Bunch*, the citizenship of a corporation for purposes of diversity jurisdiction is determined differently than the citizenship of a limited liability company.