

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

CELINA MUTUAL INSURANCE)	
COMPANY,)	
)	
Plaintiff,)	
)	
v.)	CASE NO: 1:16-cv-00014-RL-SLC
)	
TAYLOR MADE EXTERIORS, et al.,)	
)	
Defendants.)	

OPINION AND ORDER

On January 14, 2016, Plaintiff Celina Mutual Insurance Company filed a complaint against Defendants Taylor Made Exteriors; Don Myers Plumbing & Heating, Inc.; Hitzer, Inc.; and Joe A. Construction, LLC, alleging that this Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332. (DE 1). The complaint recites that Plaintiff is an Ohio corporation with its principal place of business in Ohio. (DE 1 ¶ 1). It further alleges “[u]pon information and belief,” that Defendant Taylor Made Exteriors is an unincorporated association with its principal place of business in Indiana; and that Defendants Don Myers Plumbing & Heating, Inc., Hitzer, Inc., and Joe A Construction, LLC, are each incorporated in Indiana and have their principal place of business in Indiana. (DE 1 ¶¶ 3-6).

Plaintiff’s allegations with respect to Defendants’ citizenship are inadequate for purposes of establishing diversity jurisdiction. First, “[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).

Second, as to Defendants Taylor Made Exteriors and Joe A Construction, LLC, “in the case of a firm that is not a corporation, its citizenship is the citizenship of its owners, partners, or other principals.” *Meyerson v. Harrah’s East Chi. Casino*, 299 F.3d 616, 617 (7th Cir. 2002). Therefore, “citizenship of unincorporated associations must be traced through however many layers of partners or members there may be.” *Id.* (citations omitted). Accordingly, the Court must be informed of the citizenship of all of the owners, partners, or principals of Taylor Made Exteriors and all of the members of Joe A Construction, LLC, tracing such citizenship through all applicable layers of ownership.

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). Therefore, Plaintiff is ORDERED to supplement the record by filing an amended complaint that properly alleges the citizenship of each of the parties on or before February 2, 2016.

SO ORDERED.

Enter for this 19th day of January 2016.

/s/ Susan Collins
Susan Collins
United States Magistrate Judge