

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

POLYPLY COMPOSITES, LLC,)
a Michigan limited liability company,)

Plaintiff,)

v.)

CASE NO. 1:16-cv-00153-JTM-SLC

PLANT ENGINEERING SERVICES,)
INC., an Indiana corporation, et al.,)

Defendants.)

OPINION AND ORDER

On May 13, 2016, Plaintiff Polyply Composites, LLC, filed a complaint against Defendants Plant Engineering Services, Inc., and Wendt LLP, alleging that this Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332. (DE 1). The complaint recites that Plaintiff is a Michigan limited liability company with its principal business in Michigan; that “[u]pon information and belief,” Plant Engineering Services, Inc., is an Indiana corporation with its principal place of business in Indiana; and that “[u]pon information and belief,” Wendt LLP is an Indiana limited liability partnership with its principal place of business in Indiana. (DE 1 ¶¶ 1-3).

Plaintiff’s allegations with respect to the parties’ 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).

Furthermore, as to Plaintiff Polyply Composites, LLC, and Defendant Wendt LLP, “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 identity and citizenship of all of the members of Polyply Composites, LLC, and the identity and citizenship of all the partners of Wendt LLP, tracing such citizenship through all applicable layers of ownership to ensure that none of the members or partners share a common citizenship with Plaintiff. *Hicklin Eng’g, L.C. v. Bartell*, 439 F.3d 346, 347 (7th Cir. 2006).

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 May 31, 2016.

SO ORDERED.

Entered this 17th day of May 2016.

/s/ Susan Collins
Susan Collins,
United States Magistrate Judge