

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

OPINION AND ORDER

On December 28, 2016, Plaintiff Bobbie Jean Leadford, personal representative of the Estate of Brian Bearden, filed a complaint against Defendants Bock Industries, Inc., Bull Moose Tube Company, and Franklin Lewis, alleging that this Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332. (DE 1). In the complaint, Plaintiff alleges that she “resides” in Michigan, that the deceased “resided” in Michigan, and that Lewis “resid[es] in . . . Indiana.” (DE 1 ¶¶ 2, 3, 6).

Plaintiff's jurisdictional allegations are inadequate. As the party seeking to invoke federal diversity jurisdiction, Plaintiff bears the burden of demonstrating that the requirement of complete diversity has been met.¹ *Chase v. Shop'n Save Warehouse Foods, Inc.*, 110 F.3d 424, 427 (7th Cir. 1997).

Residency is meaningless for purposes of diversity jurisdiction; an individual's citizenship is determined by his or her domicile. *Dakuras v. Edwards*, 312 F.3d 256, 258 (7th

¹ Each party's citizenship must be articulated as of "the time of the filing of the complaint," rather than the date the claims are alleged to have arisen or some other time material to the lawsuit. *Multi-M Int'l, Inc. v. Paige Med. Supply Co.*, 142 F.R.D. 150, 152 (N.D. Ill. 1992)

Cir. 2002); *see Heinen v. Northrop Grumman Corp.*, 671 F.3d 669, 670 (7th Cir. 2012) (“[R]esidence may or may not demonstrate citizenship, which depends on domicile—that is to say, the state in which a person intends to live over the long run.” (citations omitted)); *Guar. Nat'l Title Co. v. J.E.G. Assocs.*, 101 F.3d 57, 58-59 (7th Cir. 1996) (explaining that statements concerning a party’s “residency” are not proper allegations of citizenship as required by 28 U.S.C. § 1332). Therefore, Plaintiff must advise the Court of the domiciles of Plaintiff Bobbie Jean Leadford, Defendant Franklin Lewis, and Brian Bearden (as of the time of his death).

Accordingly, Plaintiff is ORDERED to file on or before January 12, 2017, an amended complaint that properly alleges the citizenship of the parties.

SO ORDERED.

Entered this 29th day of December 2016.

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