

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

ROQUE ARELLANO and MARIANNE
SOLORIO,

Plaintiffs,

v.

CAUSE NO.: 2:18-CV-342-TLS-JEM

TUBE FABRICATION & COLOR, LLC and
T AND B TUBE CO., INC.,

Defendants.

OPINION AND ORDER

This matter is before the Court on Plaintiffs' Second Supplemental Jurisdictional Statement as to Defendant Tube Fabrication & Color, LLC [ECF No. 38]. Defendant Tube Fabrication & Color, LLC has not responded to the Second Supplemental Jurisdictional Statement.

The Complaint alleges that the Court's original subject matter jurisdiction is based on diversity of citizenship under 28 U.S.C. § 1332. Compl. ¶ 4, ECF No. 1. Diversity jurisdiction exists when the parties to an action on each side are citizens of different states, with no defendant a citizen of the same state as any plaintiff, and the amount in controversy exceeds \$75,000. *See* 28 U.S.C. § 1332(a)(1). As the parties seeking to invoke this Court's jurisdiction, the Plaintiffs bear the burden of demonstrating that the jurisdictional requirements have been met. *Hertz Corp. v. Friend*, 559 U.S. 77, 96 (2010); *Smart v. Local 702 Int'l Bhd. of Elec. Workers*, 562 F.3d 798, 802–03 (7th Cir. 2009).

In the Complaint, the Plaintiffs sufficiently alleged that they are citizens Illinois, that Defendant T and B Tube Co., Inc. is a citizen of Indiana, and that the amount in controversy exceeds \$75,000.

However, the Plaintiffs did not properly allege the citizenship of Defendant Tube Fabrication & Color, LLC because the Plaintiffs did not identify the citizenship of Tube Fabrication & Color, LLC's members. *See Belleville Catering Co. v. Champaign Mkt. Place, LLC*, 350 F.3d 691, 692 (7th Cir. 2003) (recognizing that a limited liability company is analogous to a partnership and takes the citizenship of its members). As ordered by the Court [ECF No. 35], the Plaintiffs filed the instant Second Supplemental Jurisdictional Statement with supporting documents demonstrating that the sole member of Tube Fabrication & Color, LLC is Kenneth Tritt. *See* Pls.' Second Suppl. Statement ¶ 2, ECF No. 38. The Plaintiffs have alleged that Kenneth Tritt is a citizen of Wisconsin. *See* Pls.' Suppl. Jurisdictional Statement ¶ 5, ECF No. 23. Thus, Defendant Tube Fabrication & Color, LLC is a citizen of Wisconsin, and the Plaintiffs have met their burden of showing that the Court has subject matter jurisdiction under 28 U.S.C. § 1332.

Accordingly, the Court ORDERS that the deadline for the Plaintiffs to file a response to the pending Motion to Dismiss [ECF No. 16] is August 30, 2019, and the deadline for Defendant Tube Fabrication & Color, LLC to file a reply in support of the Motion to Dismiss is September 13, 2019.

SO ORDERED on August 13, 2019.

s/ Theresa L. Springmann

CHIEF JUDGE THERESA L. SPRINGMANN
UNITED STATES DISTRICT COURT