UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

TRANSPORT, LLC, *Plaintiff,*	)	
vs.	)	1:13-cv-00436-JMS-DKL
OXBRIDGE VENTURES, INC., CAPITAL FUNDING OF AMERICA, INC. and KARIM RAJANI, *Defendants.*	)	

ORDER TO FILE JOINT JURISDICTIONAL STATEMENT

Defendants Oxbridge Ventures, Inc. ("Oxbridge"), Capital Funding of America, Inc. ("Capital"), and Karim Rajani filed a Notice of Removal on March 15, 2013. [Dkt. 1.] In the Notice, Defendants state that this Court has diversity jurisdiction under 28 U.S.C. § 1332 because: (1) "[a]ccording to information provided by Plaintiff's counsel…Plaintiff Transport, LLC [("Transport")] has four members, and each member is domiciled in either Indiana, Michigan or Ohio," [*id.* at 1-2, ¶ 2]; (2) Oxbridge is "a corporation organized under the laws of British Columbia, Canada, with its principal place of business in British Columbia," [*id.*]; (3) Capital is an Illinois corporation with its principal place of business in Illinois, [*id.*]; (4) Karim Rajani is a citizen of British Columbia, Canada, [*id.*]; and (5) "[a]ccording to the Complaint, [Transport] seeks damages of at least $400,000, exclusive of interest and costs," [*id.* at 2, ¶ 3].

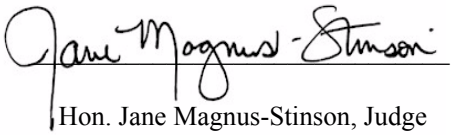
The Court must independently determine whether proper diversity among the parties exists. *Thomas v. Guardsmark, LLC*, 487 F.3d 531, 533 (7th Cir. 2007). The Court is not being hyper-technical: Counsel has a professional obligation to analyze subject matter jurisdiction, *Heinen v. Northrop Grumman Corp.*, 671 F.3d 669 (7th Cir. 2012), and a federal court always has a responsibility to ensure that it has jurisdiction, *Hukic v. Aurora Loan Servs.*, 588 F.3d 420, 427 (7th Cir. 2009). The Court has diversity jurisdiction over certain controversies between citi-

zens of a state and citizens of a foreign state, 28 U.S.C. § 1332(a)(2), and foreign corporations are citizens of the foreign state where they are incorporated and the foreign state where they have their principal place of business, 28 U.S.C. § 1332(c)(1). However, based on Defendants' Notice of Removal, the Court cannot determine whether it can exercise diversity jurisdiction over this case.

Specifically, the parties are reminded that: (1) the citizenship of an unincorporated association is "the citizenship of all the limited partners, as well as of the general partner," *Hart v. Terminex Int'l*, 336 F.3d 541, 542 (7th Cir. 2003); (2) "the citizenship of unincorporated associations must be traced through however many layers of partners or members there may be," *id.* at 543; and (3) asserting that all partners are citizens of "X" or that no partners are citizens of "X" is insufficient, *Peters v. Astrazeneca LP*, 224 Fed. Appx. 503, 505 (7th Cir. 2007).

The Court **ORDERS** the parties to meet and confer, and conduct whatever investigation necessary, to determine whether this Court has diversity jurisdiction. If the parties agree that diversity jurisdiction is proper, they shall file a joint jurisdictional statement by **April 5, 2013** setting forth the parties' citizenships and the amount in controversy. Specifically, the parties shall set forth the names and citizenships of each of Transport's members, traced through every layer of membership or partnership. If the parties cannot agree on their citizenships or the amount in controversy, they are ordered to file competing jurisdictional statements by **April 5, 2013** setting forth their positions. The joint jurisdictional statement, or competing jurisdictional statement, shall satisfy Plaintiff's obligations under Local Rule 81-1.

03/26/2013



Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana

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