

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

STEVEN R. SHEPHERD,	)	
<i>Plaintiff,</i>	)	
	)	
vs.	)	1:13-cv-01000-JMS-DKL
	)	
OLYMPUS CORPORATION OF THE AMERICAS	)	
and GYRUS ACMI, INC.,	)	
<i>Defendants.</i>	)	

**ORDER**

Plaintiff Steven Shepherd filed a Complaint on June 24, 2013 in which he asserts state law claims against Defendants Olympus Corporation of the Americas (“Olympus”) and Gyrus Acmi, Inc. (“Gyrus”). [Dkt. 1.] Mr. Shepherd alleges that: (1) he is a citizen of Indiana, [*id.* at 2, ¶ 5]; (2) Olympus is a New York corporation with its principal place of business in Pennsylvania, [*id.* at 1, ¶ 2]; (3) Gyrus is a Delaware corporation with its principal place of business in Massachusetts, [*id.* at 1, ¶ 3]; and (4) “the amount in controversy exceeds \$75,000,” [*id.* at 2, ¶ 5].

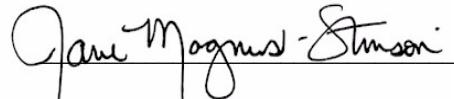
The Court must independently determine whether proper diversity among the parties exists. *Thomas v. Guardsmark, LLC*, 487 F.3d 531, 533 (7th Cir. 2007). The Court is not being hyper-technical: Counsel has a professional obligation to analyze subject-matter jurisdiction, *Heinen v. Northrop Grumman Corp.*, 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). Based on Mr. Shepherd’s Complaint, the Court cannot determine whether it can exercise diversity jurisdiction over this case.

Specifically, Mr. Shepherd is reminded that: (1) the amount in controversy must exceed “\$75,000 *exclusive of interest and costs*,” 28 U.S.C. § 1332 (emphasis added); and (2) although a

plaintiff may aggregate the amounts against defendants to satisfy the amount in controversy requirement if the defendants are jointly liable, a plaintiff must satisfy the amount in controversy requirement against each individual defendant if the defendants are severally liable, *LM Ins. Corp. v. Spaulding Enters.*, 533 F.3d 542, 548 (7th Cir. 2008).

The Court **ORDERS** Mr. Shepherd to file an Amended Complaint on or before **July 5, 2013**, which addresses the jurisdictional concerns noted above. Defendants need not respond to the Complaint, [dkt. 1], but rather shall timely respond to the Amended Complaint once it is filed.

06/26/2013



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

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