

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

ANTON REALTY, LLC <i>and</i> ANDY MOHR)	
TRUCK CENTER, INC.,)	
<i>Plaintiffs,</i>)	
)	1:13-cv-01915-JMS-TAB
vs.)	
)	
GUARDIAN BROKERS LTD., INC. <i>and</i>)	
NATIONAL BANK OF COMMERCE, NA,)	
<i>Defendants.</i>)	

ORDER

On November 18, 2014, Plaintiffs Anton Realty, LLC (“Anton Realty”) and Andy Mohr Truck Center, Inc. (“Andy Mohr”) filed a Third Amended Complaint against Guardian Brokers Ltd., Inc. (“Guardian”) and National Bank of Commerce, N.A. (“National”). [[Filing No. 87.](#)]¹ While the Third Amended Complaint properly alleges that this Court has diversity jurisdiction, Guardian’s Answer, [[Filing No. 104](#)], creates issues that the Court must resolve before it can determine whether that is the case.

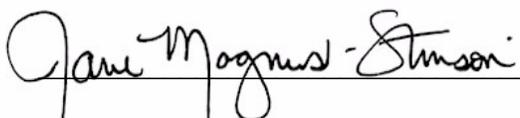
The Court is not being hyper-technical: Counsel has a professional obligation to analyze subject-matter jurisdiction, [Heinen v. Northrop Grumman Corp.](#), 671 F.3d 669 (7th Cir. 2012), and a federal court always has a responsibility to ensure that it has jurisdiction, [Hukic v. Aurora Loan Servs.](#), 588 F.3d 420, 427 (7th Cir. 2009). Specifically, Guardian states in its Answer that it is “without sufficient knowledge or information with which to admit or deny” Plaintiffs’ allegations that Andy Mohr is an Indiana corporation with its principal place of business in Indiana,

¹ The Magistrate Judge recently denied Plaintiffs’ Motion for Leave to File a Fourth Amended Complaint, [[see Filing No. 93](#); [Filing No. 109](#)], so the Third Amended Complaint remains the operative complaint in this case.

and “lacks knowledge and information sufficient to admit or deny” allegations that National is a national banking association which has its main office in Alabama. [[Filing No. 104 at 1](#); *see also* [Filing No. 87 at 1](#).] Because of this discrepancy, the Court cannot determine whether it has diversity jurisdiction over this matter.

For these reasons, the Court **ORDERS** the parties to file a joint jurisdictional statement² by **February 6, 2015**, properly detailing the citizenship of each party and whether the amount in controversy exceeds \$75,000, exclusive of interest and costs, along the lines set forth in this Order. If the parties cannot agree on the contents of a joint statement, competing statements must be filed by that date.

January 29, 2015


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

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² The Court notes that Anton Realty and Guardian previously filed a Joint Jurisdictional Statement, [[Filing No. 8](#)], which the Court accepted as sufficient to establish diversity jurisdiction at that point in the litigation, [[Filing No. 9](#)]. But the previous Joint Jurisdictional Statement did not address the citizenship of Andy Mohr or National – the two parties whose citizenships remain at issue.