

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

BARBARA SUMMERS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:15-cv-01671-TWP-DKL
	)	
RTM INDIANAPOLIS, LLC,	)	
	)	
Defendant.	)	

**ENTRY ON JURISDICTION**

It has come to the Court’s attention that the Defendant’s Notice of Removal fails to allege all of the facts necessary to determine whether this Court has subject matter jurisdiction over this case. The Notice of Removal alleges that this Court has jurisdiction based upon diversity of citizenship. However, the Notice of Removal fails to sufficiently allege the citizenship of the Plaintiff. Jurisdictional allegations must be made on personal knowledge, not on information and belief, to invoke the subject matter jurisdiction of a federal court. *See America’s Best Inns, Inc. v. Best Inns of Abilene, L.P.*, 980 F.2d 1072, 1074 (7th Cir. 1992) (only a statement about jurisdiction “made on personal knowledge has any value,” and a statement made “to the best of my knowledge and belief” is insufficient” to invoke diversity jurisdiction “because it says nothing about citizenship”); *Page v. Wright*, 116 F.2d 449, 451 (7th Cir. 1940) (an allegation of a party’s citizenship for diversity purposes that is “made only upon information and belief” is unsupported).

The Plaintiff initiated this lawsuit by filing a Complaint in state court, after which the Defendant filed its Notice of Removal. The Notice of Removal alleges that “[b]ased upon Defendant’s information and belief, Plaintiff is a resident of Hancock County, Indiana. Defendant has a good faith belief that Plaintiff is, and was at all times relevant hereto, a citizen of Indiana.”

([Filing No. 1 at 1.](#)) Allegations made upon information and belief are not sufficient to allow the Court to determine whether diversity jurisdiction exists.

Therefore, the Defendant is **ORDERED** to file a Supplemental Jurisdictional Statement that establishes the Court's jurisdiction over this case. This Supplemental Jurisdictional Statement is due **14 days** from the date of this Entry.

**SO ORDERED.**

Date: 11/2/2015



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TANYA WALTON PRATT, JUDGE  
United States District Court  
Southern District of Indiana

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