

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

DELTHEA MASON,)	
)	
Plaintiff,)	
)	
v.)	No. 1:16-cv-02301-TWP-MPB
)	
MEGABUS USA, LLC,)	
MEGABUS SOUTHEAST, LLC,)	
RANDELL FLOWERS, and)	
LOGAN THOMPSON,)	
)	
Defendants.)	

ENTRY ON JURISDICTION

It has come to the Court’s attention that Defendants’ 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 parties. Citizenship is the operative consideration for jurisdictional purposes. *See Meyerson v. Harrah’s East Chicago Casino*, 299 F.3d 616, 617 (7th Cir. 2002) (“residence and citizenship are not synonyms and it is the latter that matters for purposes of the diversity jurisdiction”).

“For diversity jurisdiction purposes, the citizenship of an LLC is the citizenship of each of its members.” *Thomas v. Guardsmark, LLC*, 487 F.3d 531, 534 (7th Cir. 2007). “Consequently, an LLC’s jurisdictional statement must identify the citizenship of each of its members as of the date the complaint or notice of removal was filed, and, if those members have members, the citizenship of those members as well.” *Id.*

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 Notice of Removal alleges that “Plaintiff resides and is domiciled in Minnesota,” “Defendant MEGABUS USA, LLC is a Delaware limited liability company with its sole member a citizen of New Jersey,” “Defendant MEGABUS SOUTHEAST, LLC is a Delaware limited liability company with its sole member a citizen of New Jersey,” “Defendant RANDALL FLOWERS resides and is domiciled in Illinois,” and “[u]pon on information and belief, LOGAN THOMPSON is domiciled in Indiana.” ([Filing No. 1 at 2.](#)) Defendants then summarize that diversity of citizenship exists among “the Minnesota resident Plaintiff, the sole members of MEGABUS USA, LLC and MEGABUS SOUTHEAST, LLC, residents of New Jersey, RANDALL FLOWERS, an Illinois resident, and LOGAN THOMPSON, an Indiana resident.” (*Id.* at 2–3.)

These allegations of residency are not sufficient to allow the Court to determine whether diversity jurisdiction exists. Also, allegations made upon information and belief are not sufficient to allow the Court to determine whether diversity jurisdiction exists. Furthermore, a jurisdictional statement of an LLC must identify the members of the LLC as well as the members’ citizenship.

Therefore, the Defendants are **ORDERED** to file a Supplemental Jurisdictional Statement that establishes the Court’s jurisdiction over this case. This statement should specifically identify the citizenship of each of the parties as well as the identity of the LLC Defendants’ members. This jurisdictional statement is due **fourteen (14) days** from the date of this Entry.

SO ORDERED.

Date: 9/8/2016



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

Distribution:

David W. Craig
CRAIG KELLEY & FAULTLESS
dcraig@ckflaw.com

Scott Anthony Faultless
CRAIG KELLEY & FAULTLESS
sfaultless@ckflaw.com

David Michael Goldhaber
WILSON ELSER MOSKOWITZ EDELMAN & DICKER LLP
david.goldhaber@wilsonelser.com

Nicholas Owen McCann
WILSON ELSER MOSKOWITZ EDELMAN & DICKER LLP
nicholas.mccann@wilsonelser.com