

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

MYR EQUIPMENT, LLC,)	
<i>Plaintiff,</i>)	
)	
vs.)	1:17-cv-00463-JMS-MPB
)	
PLANT SITE LOGISTICS, INC., AM TRANS, INC.)	
and FULL THROTTLE TRANSPORT, LLC,)	
<i>Defendants.</i>)	

ORDER

On April 14, 2017, the parties filed a Third Amended Joint Statement Regarding Jurisdiction, [[Filing No. 24](#)], which properly sets forth Plaintiff Myr Equipment, LLC's citizenship as required by the Court's April 11, 2017 Order, [[Filing No. 23](#)]. In reviewing the Third Amended Joint Statement, however, the Court noticed another issue with the parties' jurisdictional allegations. Specifically, the parties state that the sole member of Defendant Full Throttle Transport, LLC is "Adam Joseph Gwinn....who is an Oregon resident...." [[Filing No. 24 at 2.](#)] An allegation of residency is inadequate. *McMahon v. Bunn-O-Matic Corp.*, 150 F.3d 651, 653 (7th Cir. 1998). Residency and citizenship are not the same, and it is the latter that matters for purposes of diversity. *Meyerson v. Harrah's East Chicago Casino*, 299 F.3d 616, 617 (7th Cir. 2002). Citizenship "is the place one intends to remain." *Dakuras v. Edwards*, 312 F.3d 256, 258 (7th Cir. 2002); *see also Muscarello v. Ogle County Bd. of Comm'rs*, 610 F.3d 416, 424 (7th Cir. 2010) (listing evidence supporting plaintiff's citizenship as amount of time spent in state each year, place of voter registration, place of driver's license, address for government benefits, and address for tax bills).

The Court **ORDERS** the parties to confer regarding the citizenship of Mr. Gwinn, and to file a statement by **April 24, 2017** either confirming that Mr. Gwinn is also a citizen of Oregon, or providing the state of Mr. Gwinn's citizenship.

Date: April 17, 2017

A handwritten signature in black ink, reading "Jane Magnus-Stinson". The signature is written in a cursive, flowing style. The first name "Jane" is written with a large, open "J". The last name "Stinson" is written with a large, open "S".

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

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