

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

BIOSAFE ENGINEERING, LLC,)
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 Plaintiff,)
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 v.) Case No. 1:17-cv-00816-TWP-MPB
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)
NEW WORLD WASTE SOLUTIONS, LLC,)
BEN ZION ALCALAY,)
)
)
 Defendants.)

ENTRY ON JURISDICTION

It has come to the Court's attention that the Plaintiff's Complaint fails to allege all of the facts necessary to determine whether this Court has subject matter jurisdiction over this case. The Complaint alleges that this Court has jurisdiction based upon diversity of citizenship. However, the Complaint fails to sufficiently allege the citizenship of the Defendant. Citizenship is the operative consideration for jurisdictional purposes.

Furthermore, 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 Complaint alleges that “Defendant New World Waste Solutions, LLC is a citizen of Florida and based upon information and belief the citizenship of its member(s) is Florida.” ([Filing No. 1 at 2.](#)) This allegation made upon information and belief is not sufficient to allow the Court to determine whether diversity jurisdiction exists.

Therefore, the Plaintiff is **ORDERED** to file a Supplemental Jurisdictional Statement that establishes the Court's jurisdiction over this case. This statement should specifically identify the citizenship of the member(s) of New World Waste Solutions, LLC. This jurisdictional statement is due **fourteen (14) days** from the date of this Entry.

SO ORDERED.

Date: 3/23/2017



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

Distribution:

Kristopher N. Kazmierczak
KATZ & KORIN P.C.
kkaz@katzkorin.com

Offer Korin
KATZ & KORIN P.C.
okorin@katzkorin.com