

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

NEXTGEAR CAPITAL, INC.,)	
)	
Plaintiff,)	
)	
v.)	No. 1:18-cv-00786-TWP-TAB
)	
AMERICAN EAGLE AUTOMOTIVE LIMITED)	
LIABILITY COMPANY)	
d/b/a LOMAN AUTO SALES AND)	
SERVICE,)	
AMERICAN EAGLE AUTOMOTIVE LLC,)	
JOHN J. LOMAN,)	
DAVID B. LOMAN,)	
CAROL A. LOMAN,)	
)	
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 some 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.*

The Notice of Removal alleges that “American Eagle Automotive Limited Liability Company, d/b/a Loman Auto Sales and Service and American Eagle Automotive LLC (hereinafter referred to as “Dealer”), is a New Jersey limited liability company and has its principal place of business in the state of New Jersey. Dealer is, therefore, a citizen of New Jersey.” (Filing No. 1 at 3.) However, this jurisdictional allegation does not establish the citizenship of Defendant American Eagle Automotive. Alleging the identity and citizenship of each of the members of the Defendant limited liability company is necessary for this Court to determine whether it has jurisdiction.

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 members of Defendant American Eagle Automotive and those members’ citizenship. This jurisdictional statement is due **fourteen (14) days** from the date of this Entry.

SO ORDERED.

Date: 3/21/2018



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

Distribution:

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