

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

KATHLEEN KNAPP,)	
)	
Plaintiff,)	
)	
v.)	No. 1:18-cv-01637-JPH-TAB
)	
COLLEEN MCCREARY-WARNICK,)	
PLEASANT VIEW LODGE, INC.,)	
)	
Defendants.)	

ORDER

Plaintiff Kathleen Knapp has filed a Complaint in which she alleges that this Court has diversity jurisdiction over this matter. For the Court to have diversity jurisdiction over the parties, the amount in controversy must exceed “\$75,000, exclusive of interest and costs.” [28 U.S.C. § 1332](#). The “exclusive of interest and costs” language must be included in the amount in controversy allegation, but it is not included in the complaint. Dkt. 1.


Counsel has an obligation to analyze subject-matter jurisdiction, [Heinen v. Northrop Grumman Corp.](#), 671 F.3d 669, 670 (7th Cir. 2012), and a federal court always has the responsibility to ensure it has jurisdiction, [Hukic v. Aurora Loan Servs.](#), 588 F.3d 420, 427 (7th Cir. 2009). The Court’s obligation includes knowing the details of the underlying jurisdictional allegations. See [Evergreen Square of Cudahy v. Wis. Hous. and Econ. Dev. Auth.](#), 776 F.3d 463, 465 (7th Cir. 2015) (“the parties’ united front is irrelevant since the parties

cannot confer subject-matter jurisdiction by agreement...and federal courts are obligated to inquire into the existence of jurisdiction *sua sponte*").

Therefore, the Court **ORDERS** Plaintiff to file an Amended Complaint by January 23, 2019, which addresses the issue outlined in this Order and properly alleges a basis for this Court's diversity jurisdiction. Defendants will have 21 days after the Amended Complaint is filed to file a response. Should Defendants deny any of Plaintiff's jurisdictional allegations or state that they do not have sufficient information to respond to those allegations, the Court will require the parties to conduct further investigation and file a joint jurisdictional statement regarding the underlying jurisdictional allegations before the litigation moves forward.

SO ORDERED.

Date: 1/9/2019


James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

William J. Brinkerhoff
KATZ KORIN CUNNINGHAM, P.C.
BBrinkerhoff@kkclegal.com

Hannah Kaufman Joseph
KATZ KORIN CUNNINGHAM, P.C.
hjoseph@kkclegal.com

Richard Charles Richmond, III
TAFT STETTINIUS & HOLLISTER LLP (Indianapolis)
rrichmond@taftlaw.com

Paul H. Sinclair
ICE MILLER LLP (Indianapolis)
paul.sinclair@icemiller.com