

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF INDIANA
 TERRE HAUTE DIVISION

DUSTIN CARTER, <i>et al.</i> ,)	
<i>Plaintiffs,</i>)	
)	
<i>vs.</i>)	2:11-cv-0148-JMS-MJD
)	
STEVE REICHERT, <i>et al.</i> ,)	
<i>Defendants.</i>)	

ORDER TO FILE AMENDED COMPLAINT PURSUANT TO LR 81.1

On June 2, 2011, Defendants Steve Reichert and Cheeseman, LLC (collectively, “Defendants”), removed Plaintiffs Dustin Carter and Kimberly Carter’s personal injury action to this Court from Putnam Circuit Court. [Dkt. 1.] Defendants did so, alleging that this Court can properly exercise diversity jurisdiction under 28 U.S.C. § 1332. [*Id.* at 3.]

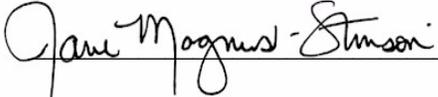
Defendants allege that the Carters are both citizens of Indiana. [Dkt. 1 at 1 ¶ 2.] Plaintiffs’ state court complaint, however, does not allege the state of their citizenship.

Moreover, Defendants allege that the amount in controversy exceeds \$75,000, exclusive of interest and costs, because of the extent of the Carters’ injuries, particularly the “permanent” injuries of Mr. Carter. [Dkt. 1 at 2 ¶ 5.] In their state court complaint, the Carters’ allege that Mr. Reichart negligently drove a semi-tractor-trailer into the bicycle upon which Mr. Carter was riding. [Dkt. 1-1 at 2.] The Carters allege that Mr. Carters’ resulting injuries are permanent, but do not detail the nature of those injuries. [*Id.* at ¶ 8.]

Pursuant to Local Rule 81.1, the Carters have **28 days** following Defendants’ removal on June 2, 2011 to amend their complaint to certify that the amount of damages at issue is at least \$75,000, exclusive of interest and costs. Additionally, in their Amended Complaint, Mr. Carter and Ms. Carter must each assert their state of citizenship so that the Court can confirm that it can

exercise diversity jurisdiction over this matter. The Carters should be sure to plead their state of citizenship, keeping in mind that “residence and citizenship are not synonyms and it is the latter that matters for purposes of diversity jurisdiction.” *Meyerson v. Harrah’s East Chicago Casino*, 299 F.3d 616, 617 (7th Cir. 2002).

06/03/2011


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

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