

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

LRM HOLDINGS, INC.,)	
<i>Plaintiff,</i>)	
)	
vs.)	3:13-cv-146-JMS-WGH
)	
COMPUTER SUPPORT, INC.,)	
<i>Defendant.</i>)	

ORDER

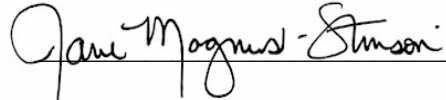
Yet again, Plaintiff LRM Holdings, Inc. (“LRM”), has filed a complaint against Defendant Computer Support, Inc. (“Computer Support”), alleging that the Court can exercise diversity jurisdiction over this action but failing to properly allege the amount in controversy. [Dkt. 19.] Specifically, LRM alleges that the amount in controversy exceeds \$75,000, but omits the crucial “exclusive of interest and costs” language required by 28 U.S.C. § 1332(a). [*Id.* at 1 ¶ 3.] LRM made this same mistake when it filed its initial complaint, [dkt. 1], and the Court specifically pointed out that failing and required LRM to file an Amended Complaint, [dkt. 10]. Although LRM corrected its mistake in its Amended Complaint, [dkt. 11], its most recent complaint fails to properly allege diversity jurisdiction for the same reasons as its initial complaint.

The Court is not being hyper-technical: Counsel has a professional obligation to analyze subject-matter jurisdiction, *Heinen v. Northrop Grumman Corp.*, 671 F.3d 669 (7th Cir. 2012), and a federal court always has a responsibility to ensure that it has jurisdiction, *Hukic v. Aurora Loan Servs.*, 588 F.3d 420, 427 (7th Cir. 2009).

For these reasons, the Court ORDERS LRM to file an Third Amended Complaint by September 11, 2013, properly setting forth a basis for this Court’s jurisdiction. Defendant Computer Support need not answer LRM’s Complaint currently on file, [dkt. 19], but

it should answer or otherwise respond as contemplated by the Federal Rules of Civil Procedure when it is served with the Third Amended Complaint.

09/06/2013

A handwritten signature in black ink that reads "Jane Magnus-Stinson". The signature is written in a cursive style with a horizontal line underneath the name.

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

Distribution via ECF only:

Robert L. Burkart
ZIEMER STAYMAN WEITZEL & SHOULDERS
rburkart@zsws.com

Clay W. Havill
ZIEMER STAYMAN WEITZEL & SHOULDERS LLP
chavill@zsws.com