

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION**

TONY HERNANDEZ,)
Plaintiff,)
v.) Case No. 4:17-cv-00031-TWP-TAB
SUMMIT TRANSPORTATION GROUP,)
LLC,)
SUMMIT TRUCKING, LLC,)
Defendants.)

ENTRY ON JURISDICTION

It has come to the Court’s attention that the Complaint in this action fails to allege all of the facts necessary to determine whether this Court has subject matter jurisdiction over this case. The Complaint alleges federal jurisdiction based upon diversity of citizenship. However, the Complaint fails to sufficiently allege the citizenship 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 Complaint alleges that Defendants Summitt Transportation Group, LLC and Summitt Trucking, LLC are “corporation[s] organized and existing under the laws of the State of Indiana

with [their] principal place of business at 1800 Progress Way, Clarksville, Clark County, Indiana, 47129, and is generally in the commercial trucking business." ([Filing No. 1 at 2](#).) This jurisdictional allegation does not establish the citizenship of Defendants Summitt Transportation Group, LLC or Summitt Trucking, LLC. Alleging the identity and citizenship of each of the members of the Defendant limited liability companies is necessary for this Court to determine whether it has jurisdiction.

Therefore, Plaintiff is **ORDERED** to file a Supplemental Jurisdictional Statement that establishes the Court's jurisdiction over this case. This statement should specifically identify the members of Defendants Summitt Transportation Group, LLC and Summitt Trucking, LLC, as well as the members' citizenship. This jurisdictional statement is due **fourteen (14) days** from the date of this Entry.

SO ORDERED.

Date: 2/22/2017



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

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