

the information provided by Circle Centre through public filings and that, in fact, one of the entities above the Illinois citizen in Circle Centre's organizational structure appears to no longer exist based on public records. [[Filing No. 23 at 2-3.](#)]

Zurich has the burden of providing evidence of Circle Centre's citizenship to the Court since it is the party attempting to invoke the Court's diversity jurisdiction. See [Employers Mut. Cas. Co. v. Gemini Ins. Co., 2014 WL 3541296, *4 \(N.D. Ind. 2014\)](#) (where plaintiff makes a factual challenge to assertions in a notice of removal regarding citizenship, the burden is on the defendant, as the removing party, "to prove the existence of jurisdictional facts....In such a circumstance, the removing party may be required to submit some evidence in support of its allegations of citizenship"). Zurich is cautioned that simply claiming it cannot obtain information regarding Circle Centre's citizenship through public filings, and that therefore it "does not concede...that [Circle Centre's] citizenship is not completely diverse from all other parties in this matter," [[Filing No. 23 at 3](#)], is not sufficient to meet that burden. Absent evidence that diversity jurisdiction is proper, this case will be remanded. See [Intra American Metals, Inc. v. Certain Underwriters at Lloyd's London, 2014 WL 545899, *2 \(S.D. Ind. 2014\)](#) ("any doubt regarding jurisdiction should be resolved in favor of remanding to state court jurisdiction").

Plaintiffs have stated that they plan to file a motion to remand the case back to state court, and to seek their attorneys' fees and costs incurred in connection with the Notice of Removal. [[Filing No. 21 at 4.](#)] Accordingly, the Court **ORDERS** Plaintiffs to file any motion to remand by **August 8, 2014**. Defendants' response to the motion to remand must be filed by **August 15, 2014**. Any reply shall be due **August 20, 2014**.

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