

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

AMERICAN SEEDS, LLC,)
)
 Plaintiff,)
)
 vs.) No. 1:16-cv-00371-JMS-MPB
)
 DAILY FEED & GRAIN, INC.,)
)
 Defendant.)

ORDER

On February 16, 2016, Plaintiff American Seeds, LLC (“American”) filed a Complaint against Defendant, alleging that this Court can exercise diversity jurisdiction over American’s action. [[Filing No. 1.](#)] Because American has not properly alleged its own citizenship, the jurisdictional allegations are insufficient to plead a basis for this Court’s jurisdiction.

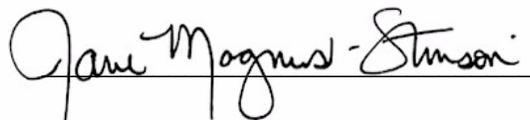
American—an unincorporated LLC—alleges that its sole member “is itself organized under the laws of the State of Delaware and it has its principal of business in St. Louis County, Missouri.” [[Filing No. 1 at 1-2.](#)] American does not identify that member. The Court needs to know the jurisdictional details because conclusional allegations are insufficient. *See Meyerson v. Showboat Marina Casino P’ship*, 312 F.3d 318, 321 (7th Cir. 2002) (“To determine the citizenship [of an unincorporated entity] we need to know the name and citizenship(s) of its general and limited partners.”); *see also Guar. Nat. Title Co., Inc. v. J.E.G. Assocs.*, 101 F.3d 57, 58 (7th Cir. 1996) (“At oral argument we told counsel that it is essential to put into the record the name and citizenship of each partner.”). This is important because if American’s sole member is itself an unincorporated association, American must allege the “the citizenship of all the limited partners,

as well as of the general partner” and trace that citizenship “through however many layers of partners or members there may be.” *Hart v. Terminex Int’l*, 336 F.3d 541, 542-43 (7th Cir. 2003).

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** American to file an amended complaint by **February 29, 2016**, which addresses the issues outlined in this Order and properly alleges a basis for this Court’s diversity jurisdiction. Defendant need not answer or otherwise respond to the Complaint at which this Order is directed. Defendant is cautioned, however, that when it does respond to the Amended Complaint, and to the extent that it denies any of Plaintiff’s jurisdictional allegations or states that it does not have sufficient information to respond to those allegations, the Court will require the parties to conduct whatever investigation is necessary and file a joint jurisdictional statement confirming that all parties are in agreement with the underlying jurisdictional allegations before this litigation moves forward.

Date: February 17, 2016



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

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