

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

|                                 |   |                           |
|---------------------------------|---|---------------------------|
| COLBY BIRT and                  | ) |                           |
| BRITTANY BIRT,                  | ) |                           |
|                                 | ) |                           |
| Plaintiffs,                     | ) |                           |
|                                 | ) | No. 1:16-cv-02002-TWP-DML |
| v.                              | ) |                           |
|                                 | ) |                           |
| DALE HALL and                   | ) |                           |
| THE MARTIN-BROWER COMPANY, LLC, | ) |                           |
|                                 | ) |                           |
|                                 | ) |                           |
| Defendants.                     | ) |                           |

**ENTRY ON JURISDICTION**

It has come to the Court’s attention that the Defendants’ Notice of Removal fails to allege all of the facts necessary to determine whether this Court has subject matter jurisdiction over this case. The Notice of Removal alleges that this Court has jurisdiction based upon diversity of citizenship. However, the Notice of Removal fails to sufficiently allege the citizenship of Defendant The Martin-Brower Company, LLC. 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”). Additionally, “[f]or 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.*

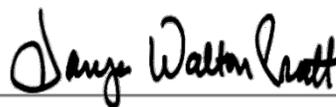
The Defendants, in their Notice of Removal, allege that “Defendant, the Martin-Brower Company, L.L.C., is a Delaware corporation with its principal place of business in Illinois.

Accordingly, pursuant to federal law, the Martin-Brower Company, L.L.C. is considered to be a citizen of the State of Delaware and the State of Illinois.” ([Filing No. 1 at 1–2 ¶3.](#)) However, these allegations fail to identify Defendant The Martin-Brower Company, LLC’s members and their citizenship.

Therefore, the Defendants are **ORDERED** to file a Supplemental Jurisdictional Statement that establishes the Court’s jurisdiction over this case. This statement should specifically identify each of the members of Defendant The Martin-Brower Company, LLC and their citizenship. This Supplemental Jurisdictional Statement is due **fourteen (14) days** from the date of this Entry.

**SO ORDERED.**

Date: 8/4/2016



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

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