

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

STEVEN J. NEELEY, JR.,)	
)	
Plaintiff,)	
)	
v.)	No. 1:16-cv-02055-TWP-MJD
)	
PENSKE LOGISTICS, LLC,)	
)	
Defendant.)	

ENTRY ON JURISDICTION

It has come to the Court’s attention that Defendant’s 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 the Defendant. 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 same is true of partnerships. “A limited partnership is a citizen of every state of which any partner, general or limited, is a citizen.” *America’s Best Inns, Inc. v. Best Inns of Abilene, L.P.*, 980 F.2d 1072, 1073 (7th Cir. 1992).

The Notice of Removal alleges that Defendant “Penske Logistics LLC is a Delaware Limited Liability Company with its headquarters and principal place of business in the Commonwealth of Pennsylvania. Penske Truck Leasing Co., L.P. is the sole member of Penske Logistics LLC.” ([Filing No. 1 at 2.](#)) The Notice of Removal then alleges that Penske Truck Leasing Co., L.P. has one general partner, PTL GP, LLC, and five limited partners, specifying those limited partners. “PTL GP, LLC’s sole member is LJ VP Holdings, LLC,” *id.* at 3, however the Notice of Removal fails to allege the members of LJ VP Holdings, LLC and their citizenship. Additionally, the Notice of Removal fails to sufficiently allege the citizenship of one of the limited partners of Penske Truck Leasing Co., L.P.—GE Capital Truck Leasing Holding LLC. The Notice of Removal lists the “managing member” of GE Capital Truck Leasing Holding LLC but fails to allege whether it is the sole member or whether there are additional members of that entity. Defendant’s jurisdictional allegations do not establish the citizenship of LJ VP Holdings, LLC and GE Capital Truck Leasing Holding LLC. Alleging the identity and citizenship of each of the members and each of the partners is necessary for this Court to determine whether it has jurisdiction.

Therefore, the Defendant is **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 LJ VP Holdings, LLC and GE Capital Truck Leasing Holding LLC and their citizenship. This jurisdictional statement is due **fourteen (14) days** from the date of this Entry.

SO ORDERED.

Date: 8/11/2016



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

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