

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

THE BAR PLAN MUTUAL INSURANCE)
COMPANY,)
)
Plaintiff,)
) No. 2:14-cv-00255-JMS-WGH
vs.)
)
ANDERSON & NICHOLS,)
JOHN PAUL NICHOLS,)
CLIFFORD J ANDERSON,)
VICKIE FENOGLIO-MOORE,)
)
Defendants.)

ORDER TO FILE AMENDED COMPLAINT

Plaintiff The Bar Plan Mutual Insurance Company (“Bar Plan”) filed its Complaint on August 21, 2014, alleging that this Court could exercise diversity jurisdiction. [[Filing No. 1.](#)] Because one of Bar Plan’s underlying jurisdictional allegations is deficient, the Court cannot confirm that diversity jurisdiction exists over this action.

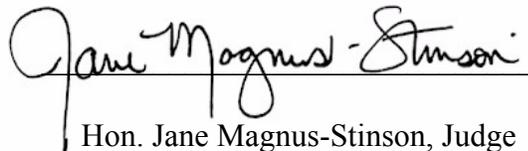
Bar Plan alleges that Defendant Anderson & Nichols is “a partnership organized under the laws of Indiana, with its principal place of business in Terre Haute, Indiana.” [[Filing No. 1 at 2.](#)] This jurisdictional allegation is insufficient because the citizenship of an unincorporated association is “the citizenship of all the limited partners, as well as of the general partner.” [Hart v. Terminex Int’l](#), 336 F.3d 541, 542 (7th Cir. 2003). “[T]he citizenship of unincorporated associations must be traced through however many layers of partners or members there may be.” [Id. at 543.](#) Asserting that all partners are citizens of “X” or that no partners are citizens of “X” is insufficient. See [Peters v. Astrazeneca LP](#), 224 Fed. Appx. 503, 505 (7th Cir. 2007) (noting the insufficiency of a limited partnership asserting that none of its partners were citizens destroying

diversity “rather than furnishing the citizenship of all of its partners so that [the court] could determine its citizenship”).

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** Plaintiff Bar Plan to file an Amended Complaint by **September 4, 2014**, properly alleging a basis for this Court’s diversity jurisdiction. Defendants need not answer or otherwise respond to Plaintiff’s original complaint.

Dated: 8/25/14

A handwritten signature in black ink that reads "Jane Magnus-Stinson". The signature is written in a cursive style and is positioned above a horizontal line.

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

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