

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

LATINO FOOD MARKETERS, LLC,

Plaintiff,

v.

OLE MEXICAN FOODS, INC.,

Defendant.

ORDER

03-C-0190-C

This is a civil action for monetary relief in which plaintiff Latino Food Marketers, LLC is suing defendant Ole Mexican Foods, Inc. for breach of contract, breach of implied duty of good faith and fair dealing, anticipatory repudiation and unjust enrichment.

Although neither party disputes diversity, the court has an independent obligation to insure that it exists. See generally Wild v. Subscription Plus, Inc., 292 F.3d 526 (7th Cir. 2002). In its complaint, plaintiff alleges that it is a “Wisconsin company with its principal place of business at 1625 10th Street, Suite 201, Monroe, Wisconsin.” This information is insufficient to determine plaintiff’s citizenship, because plaintiff is a limited liability company and its citizenship for the purposes of diversity jurisdiction is the citizenship of its members. See Cosgrove v. Bartolotta, 150 F.3d 729, 731 (7th Cir. 1998). Therefore, before this lawsuit may proceed, plaintiff must submit an affidavit setting forth the citizenship of

each of its members, including the partners or members of any partnership or LLC that is itself a member of the plaintiff LLC. See NFLC, Inc. v. Devcom Mid-America, Inc., 45 F.3d 231, 237 (7th Cir. 1995) (party seeking to invoke jurisdiction bears burden of supporting its jurisdictional allegations by competent proof).

ORDER

IT IS ORDERED that plaintiff Latino Food Marketers, LLC may have until August 8, 2003, to submit an affidavit setting forth the citizenship of each of its members for the purpose of determining the existence of diversity jurisdiction.

Entered this 5th day of August, 2003.

BY THE COURT:

BARBARA B. CRABB
District Judge