

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

GEORGE DRYWALL, INC.,	)	
	)	
PLAINTIFF,	)	
	)	
v.	)	CASE NO. 3:10-cv-245-MEF
	)	
HARTFORD FIRE INSURANCE CO.,	)	
	)	(WO)
DEFENDANT.	)	

**ORDER**

After review of the Complaint (Doc. # 1) and the Amended Complaint (Doc. # 7), the Court finds that it suffers from two significant defects which require correction. First, Plaintiff George Drywall, Inc. has included allegations and claims against “fictitious defendants.” It is well-settled that fictitious party practice is not permissible in this Court. Accordingly, it is hereby ORDERED that Plaintiff George Drywall, Inc. shall file a Second Amended Complaint which removes all such claims on or before **August 6, 2010**. Second, the Court finds the allegations relating to jurisdiction and venue to be legally inadequate. Therefore, it is further ORDERED that Plaintiff George Drywall, Inc.’s Second Amended Complaint shall comply with the requirements of Federal Rule of Civil Procedure 8(a)(1) and include “a short and plain statement of the grounds for the court’s jurisdiction” as it is not currently clear by what means Plaintiff George Drywall, Inc. is invoking this Court’s subject matter jurisdiction.

DONE this the 3<sup>rd</sup> day of August, 2010.

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/s/ Mark E. Fuller  
CHIEF UNITED STATES DISTRICT JUDGE