

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

| | | |
|----------------------------------|---|---------------|
| NEW YORK LIFE INSURANCE COMPANY, |) | |
| et al., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | No. 08 C 5389 |
| |) | |
| PAMELA CLARK, et al., |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM ORDER

Although this Court is contemporaneously issuing its customary initial scheduling order in this interpleader action brought by New York Life Insurance Company and New York Life Insurance and Annuity Corporation (collectively "Insurers"), this brief memorandum order is issued sua sponte to call the attention of Insurers' counsel to a gap in the Complaint's jurisdictional allegations. Federal subject matter jurisdiction has been invoked in diversity of citizenship terms, but nothing is said in the Complaint as to the relevant citizenship of the defendant identified in the case caption as "Estate of Frank Clark."

That being so, Insurers' counsel must amend the Complaint to identify the state of citizenship of the administrator or executor of the Estate, as the case may be. And as long as Insurer's counsel must return to the drawing board in any event, their attention is also called to their inadvertent typographical error in the second line of Complaint ¶14, which refers to "September 21, 2004" rather than "September 21, 2007." Both

errors identified here should be corrected on or before
October 1, 2008, with copies of the amendment to the Complaint to
be transmitted contemporaneously to all defendants.



Milton I. Shadur
Senior United States District Judge

Date: September 23, 2008