

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

|                    |   |             |
|--------------------|---|-------------|
| CDW CORPORATION,   | ) |             |
|                    | ) |             |
| Plaintiff,         | ) |             |
|                    | ) |             |
| v.                 | ) | No. 10 C 73 |
|                    | ) |             |
| REAL LIVING, INC., | ) |             |
|                    | ) |             |
| Defendant.         | ) |             |

MEMORANDUM ORDER

Real Living, Inc. ("Real Living") has removed this commercial dispute from its place of origin in the Circuit Court of Cook County to this District Court, invoking diversity of citizenship as the predicate for removal. But in doing so, Real Living's counsel has failed to read and apply the provisions of 28 U.S.C. §1332 ("Section 1332") that define corporate citizenship--hence the issuance of this brief sua sponte memorandum order that directs counsel to cure that flaw.

Notice of Removal ("Notice") ¶3 carelessly refers to the Illinois residence of plaintiff CDW Corporation, rather than to its state or states of citizenship. And even if that reference were corrected, the allegation fails to identify both aspects of the corporation's dual citizenship--see Section 1332(c)(1). As for Real Living, the same Notice ¶3 says only that it is "an Ohio corporation," also failing to conform to Section 1332(c)(1).

Accordingly Real Living's counsel is granted until January 29, 2010 to file a brief amendment to Notice ¶3 (not a

full-blown Amended Notice), failing which this Court would be constrained to remand this action to the state court because of Real Living's failure to establish the existence of federal subject matter jurisdiction. In that respect, no charge is to be made to Real Living by its counsel for the added work and expense incurred in correcting counsel's own errors. Real Living's counsel are ordered to apprise their client to that effect by letter, with a copy to be transmitted to this Court's chambers as an informational matter (not for filing).



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Milton I. Shadur  
Senior United States District Judge

Date: January 20, 2010