

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

CENTERPOINT PROPERTIES TRUST,)	
)	
Plaintiff,)	
)	
v.)	No. 13 C 1761
)	
AEROGROUND, INC., etc.,)	
)	
Defendant.)	

MEMORANDUM ORDER

CenterPoint Properties Trust ("CenterPoint") has recently filed this action charging a breach of lease (nonpayment of rent) by Aeroground, Inc. ("Aeroground"), invoking federal jurisdiction on diversity of citizenship grounds. This Court is concurrently issuing its customary initial scheduling order, but this memorandum order is occasioned by CenterPoint's need to elaborate on its jurisdictional allegations.

Complaint ¶1 identifies CenterPoint as a real estate investment trust, while Complaint ¶3 alleges:

None of CenterPoint's Trustees is a citizen of California or Texas.

That last allegation is intended to confirm the required existence of complete diversity, for Complaint ¶2 identifies Aeroground's dual corporate citizenship as lodged in California and Texas.

But this Court has an independent threshold obligation to confirm the existence of subject matter jurisdiction, and the disclaimer in Complaint ¶3 is not necessarily (though it most

frequently may be) dispositive--suppose, for example, that one of CenterPoint's trustees is a United States citizen who is stateless.¹

Accordingly CenterPoint must file an amendment to its Complaint, amplifying the allegation in Complaint ¶3 by identifying each of its trustees and his, her or its state or states of citizenship. If no such amendment were to be filed on or before March 27, 2013, this Court would be constrained to dismiss this action (without prejudice, of course) because of CenterPoint's failure to establish the existence of federal jurisdiction.



Milton I. Shadur
Senior United States District Judge

Date: March 14, 2013

¹ Earlier in this Court's judicial career, one of the cases on its calendar presented that precise situation and ultimately ended up in the Supreme Court (Newman-Green, Inc. v. Alfonzo-Larrain, 490 U.S. 826, 828-29 (1989)).