

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

STILLWATER PROPERTY AND)	
CASUALTY INSURANCE COMPANY,)	
)	
Plaintiff,)	
)	
v.)	Case No. 16 C 9613
)	
XUAN HONG, PEI HONG and)	
ADELA CUEVAS,)	
)	
Defendants.)	

MEMORANDUM ORDER

Stillwater Property and Casualty Insurance Company ("Stillwater") has filed this Complaint for Declaratory Judgment against its insureds Xuan Hong and Pei Hong (collectively "Hong") and Adela Cuevas ("Cuevas"), seeking to invoke federal subject matter jurisdiction in diversity-of-citizenship terms. Complaint ¶ 4 alleges that Cuevas has filed a personal injury action against Hong in the Circuit Court of Cook County, asserting that she was the victim of a dog bite by Hong's German Shepherd.

But quite apart from disclosing that their client Stillwater gets an "F" grade in spelling (its policy refers to the dog's breed as "Sheperd"), its counsel's Complaint discloses that they or their client (or both) failed the requirement of due diligence by alleging this as to the requisite amount in controversy (Complaint ¶5):


On information and belief, the amount in controversy in said personal injury lawsuit is in excess of \$75,000.00.

But all that Cuevas' Circuit Court Complaint alleged, other than adverting to her having sustained "severe injuries," was that the amount sought in the lawsuit was "a dollar amount

sufficient to satisfy the jurisdictional limits of this Court" -- and though the quite different jurisdictional limits of this federal court might have created a belief that more than \$75,000 was in controversy, as to information an inquiry directed to the Hongs before filing suit would have revealed, as their Answer ¶ 6 stated:

Defendants deny the allegations contained in this paragraph and further state the Plaintiff in the underlying case, Adela Cuevas, has made a written demand to settle her claim in the amount of \$35,000.

Haste makes waste, and a lawsuit that fails to check out the basis for a party's allegation of information as well as a statement of its belief has resulted here in the payment of a wasted \$400 filing fee. This action must be and is dismissed sua sponte for the lack of federal subject matter jurisdiction.



Milton I. Shadur
Senior United States District Judge

Date: February 13, 2017