

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOISSHELTER MUTUAL INSURANCE
COMPANY,

Plaintiff,

v.

WADE A DIAL, JUSTIN HEFFLIN and
DALE WILLIFORD,

Defendants.

Case No. 08-cv-904-JPG

MEMORANDUM AND ORDER**I. Jurisdiction**

In light of Seventh Circuit admonitions, *see, e.g., America's Best Inns, Inc. v. Best Inns of Abilene, L.P.*, 980 F.2d 1072 (1992), the Court has undertaken a rigorous initial review of pleadings to ensure that jurisdiction has been properly pled. The Court has noted the following defect in the jurisdictional allegations of the Complaint (Doc. 4) filed by plaintiff Shelter Mutual Insurance Company ("Shelter"):

1. **Failure to allege the citizenship of a corporation.** A corporation is a citizen of both the state of its principal place of business and the state of its incorporation. 28 U.S.C. § 1332(c)(1). The relevant pleading must affirmatively allege the specific states of incorporation and principal place of business of a corporate party. Dismissal is appropriate if a plaintiff fails to make such allegations. *Indiana Hi-Rail Corp. v. Decatur Junction Ry. Co.*, 37 F.3d 363, 366 n. 3 (7th Cir. 1994). The complaint alleges the state of Shelter's principal place of business but it does not allege its state of incorporation.

The Court hereby **ORDERS** that Shelter shall have up to and including January 16, 2009, to amend the faulty pleading to correct the jurisdictional defect. Failure to amend the faulty pleading may result in dismissal of this case for lack of subject matter jurisdiction or for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). Amendment of the faulty pleading to reflect an adequate basis for subject matter jurisdiction will satisfy this order.

Shelter is directed to consult Local Rule 15.1 regarding amended pleadings and need not seek leave of Court to file such amended pleading.

II. Corporate Disclosure Statement

After reviewing Shelter's complaint, the Court notes that Shelter has violated Federal Rule of Civil Procedure 7.1, which requires a non-governmental corporate party to submit a corporate disclosure statement at the time of its first appearance, pleading, petition, motion, response or other request addressed to the Court. The Court hereby **ORDERS** Shelter to file on or before January 16, 2009, the appropriate corporate disclosure statement. Failure to comply with this order may result in dismissal of this action pursuant to Federal Rule of Civil Procedure 41(b) and the Court's inherent authority.

IT IS SO ORDERED.

DATED: January 5, 2009

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE