

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CARPENTERS' DISTRICT COUNCIL OF GREATER ST. LOUIS AND VICINITY and TERRY M. NELSON, RENEE BELL, BRIAN PALUCH, JOHN W. FISCHER, MICHAEL T. THUSTON, DONALD J. BRUSSEL, JR., SCOTT BYRNE, KEN STRICKER, KIRK VERSEMAN, ALBERT BOND, ROBERT CALHOUN, RON DICUS, KEVIN BYRNE, and EARL POE, III, in their representative capacities as trustees of the CARPENTERS' PENSION TRUST FUND OF ST. LOUIS, and TERRY M. NELSON, RENEE BELL, BRIAN PALUCH, JOHN W. FISCHER, MICHAEL T. THUSTON, DONALD J. BRUSSEL, JR., SCOTT BYRNE, KEN STRICKER, KIRK VERSEMAN, ALBERT BOND, ROBERT CALHOUN, RON DICUS, KEVIN BYRNE, and EARL POE, III in their representative capacities as trustees of the CARPENTERS' HEALTH AND WELFARE TRUST FUND OF ST. LOUIS, and TERRY M. NELSON, RENEE BELL, BRIAN PALUCH, JOHN W. FISCHER, MICHAEL T. THUSTON, DONALD J. BRUSSEL, JR., SCOTT BYRNE, KEN STRICKER, KIRK VERSEMAN, ALBERT BOND, ROBERT CALHOUN, RON DICUS, KEVIN BYRNE, and EARL POE, III in their representative capacities as trustees of the CARPENTERS' VACATION TRUST FUND OF ST. LOUIS and RENEE BELL, ROBERT BEHLMAN, DAVE MARXKORS, KEITH TAYLOR, MICHAEL T. THUSTON, MIKE GRIGAITIS, RON DICUS, ROBERT WOLF, TERRY M. NELSON, BOB FRITZ and ALBERT BOND in their representative capacities as trustees of the CARPENTERS' JOINT TRAINING FUND OF ST. LOUIS,

Plaintiffs,

v.

SAFECO INSURANCE COMPANY OF AMERICA and H.B.D.  
CONSTRUCTION, INC.,

Defendants.

Case No. 14-cv-42-JPG-DGW

**MEMORANDUM AND ORDER**

In light of Seventh Circuit Court of Appeals admonitions, *see Foster v. Hill*, 497 F.3d 695, 696-97 (7th Cir. 2007), the Court has undertaken a rigorous initial review of pleadings to ensure that jurisdiction has been properly pled. In this case, the plaintiffs have asserted that the Court has diversity subject matter jurisdiction over this case pursuant to 28 U.S.C. § 1332(a). That statute requires that the opposing parties not be citizens of the same state. *Strawbridge v. Curtiss*, 7 U.S. (3 Cranch) 267 (1806). However, in this case, both the plaintiffs and defendant H.B.D. Construction, Inc. are citizens of Missouri. Compl. ¶ 7. Thus, this Court lacks subject matter

jurisdiction over this case and, accordingly, **DISMISSES** this case for **lack of jurisdiction**. The Clerk of Court is **DIRECTED** to enter judgment accordingly.

**IT IS SO ORDERED.**

**DATED: January 17, 2014**

s/J. Phil Gilbert \_\_\_\_\_  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**