

**IN THE UNITED STATES DISTRICT COURT
FOR SOUTHERN DISTRICT OF ILLINOIS**

MARY BETH BROWN and)	
JOSHUA BROWN,)	
)	
Plaintiffs,)	
)	
v.)	Case No.: 16-378 JPG/SCW
)	
BAYER CORP, <i>an Indiana Corporation, et al.</i> ,)	
)	
Defendants.)	

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. *See Hertz Corp. v. Friend*, 559 U.S. 77, 94 (2010) (noting courts’ “independent obligation to determine whether subject-matter jurisdiction exists, even when no party challenges it”). The Court has noted the following defects in the jurisdictional allegations of the complaint (Doc.1) filed by the plaintiffs:

- **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). Plaintiffs have not stated the principal place of business for the following defendants: Bayer Corp., Bayer Healthcare LLC, Bayer Healthcare Pharmaceuticals, Inc., and Bayer A.G.

The Court hereby **ORDERS** that the plaintiffs, shall have up to and including, April 26, 2016 to amend the faulty pleading to correct the jurisdictional defect. *See* 28 U.S.C. § 1653. Failure to amend the faulty pleading may result in dismissal of this case for

lack of subject matter jurisdiction. Amendment of the faulty pleading to reflect an adequate basis for subject matter jurisdiction will satisfy this order. Plaintiffs are directed to consult Local Rule 15.1 regarding amended pleadings and need not seek leave of Court to file such amended pleading.

IT IS SO ORDERED.
DATED: April 12, 2016

s/J. Phil Gilbert
U.S. DISTRICT JUDGE