

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

PHILADELPHIA INDEMNITY INSURANCE)	
COMPANY,)	
)	
Plaintiff,)	
)	
v.)	Case No.: 17-684 JPG/DGW
)	
BEHAVIORAL HEALTH ALTERNATIVES, INC,)	
<i>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 plaintiff Philadelphia Indemnity Insurance Company:

- **Failure to allege the citizenship of an individual.** A complaint asserting diversity jurisdiction must allege the citizenship of an individual defendant, not merely residence. 28 U.S.C. § 1332(a)(1); *Meyerson v. Harrah’s East Chicago Casino*, 299 F.3d 616, 617 (7th Cir. 2002); *Held v. Held*, 137 F.3d 998, 1000 (7th Cir. 1998). Allegations of “residence” are jurisdictionally insufficient. *Steigleder v. McQuesten*, 198 U.S. 141 (1905). Dismissal is appropriate where parties allege residence but not citizenship. *Held*, 137 F.3d at 1000. Complaint alleges residence but not citizenship of defendants Earl Timmermeier, Shelly Timmermeier, Raymond Timmermeier and Gayla Timmermeier .

The Court hereby **ORDERS** that Philadelphia Indemnity Insurance Company, shall have up to and including July 26, 2017 to amend the faulty pleading to correct the jurisdictional defects. *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. Plaintiff Philadelphia Indemnity Insurance Company is 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: July 12, 2017

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