

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

SHANNON BARNFIELD,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:14-CV-15-SNLJ
)	
TEREX CORPORATION and,)	
TEREX AERIALS, INC.)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on review of the file. The Eighth Circuit has admonished district courts to “be attentive to a satisfaction of jurisdictional requirements in all cases.” *Sanders v. Clemco Indus.*, 823 F.2d 214, 216 (8th Cir. 1987). “In every federal case the court must be satisfied that it has jurisdiction before it turns to the merits of other legal arguments.” *Carlson v. Arrowhead Concrete Works, Inc.*, 445 F.3d 1046, 1050 (8th Cir. 2006). “A plaintiff who seeks to invoke diversity jurisdiction of the federal courts must plead citizenship distinctly and affirmatively.” 15 James Wm. Moore, et al., *Moore’s Federal Practice* § 102.31 (3d ed. 2010).

The First Amended Complaint (#14) asserts that the Court has jurisdiction pursuant to 28 U.S.C. § 1332 because the lawsuit is between citizens of different states and the matter in controversy exceeds \$75,000. It also alleges “that Defendant Terex Aerials, Inc. is and was at all times herein mentioned a Corporation owned, controlled or

operated by Defendant Terex Corporation with its principal office and place of business in the State of South Carolina”

A corporation is a citizen of the state where it is incorporated and the state where it has its principal place of business. 28 U.S.C. § 1332(c)(1). Here, plaintiff pled only the state of Terex Aerials, Inc.’s principal place of business; plaintiff did not plead Terex Aerials, Inc.’s state of incorporation. Because it is the plaintiff’s burden to establish subject matter jurisdiction, the Court will grant plaintiff twenty-one (21) days to file a second amended complaint that alleges facts showing the existence of the required diversity of citizenship. If plaintiff fails to timely and fully comply with this Order, the Court will dismiss this matter without prejudice for lack of subject matter jurisdiction.

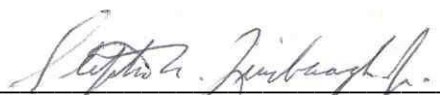
Accordingly,

IT IS HEREBY ORDERED that, by October 23, 2017, plaintiff shall file a second amended complaint that shall allege Terex Aerials, Inc.’s state of incorporation.

IT IS FURTHER ORDERED that if plaintiff does not timely and fully comply with this Order, this matter will be dismissed for lack of subject matter jurisdiction.

IT IS FURTHER ORDERED that all other proceedings in this case are **STAYED** pending further order of this Court.

Dated this 2nd day of October, 2017.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE