

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

FILED

MAY 21 2018

Clerk, U.S. District Court
District Of Montana
Helena

GAYNELL M. BRUCK,

Plaintiff,

No. CV-18-62-H-SEH

vs.

ORDERTARGET CORPORATION, a
Minnesota Corporation,

Defendants.

On May 11, 2018, Plaintiff was ordered to file an amended complaint properly alleging jurisdiction.¹ A First Amended Complaint and Jury Trial Demand (“Amended Complaint”) was filed on May 17, 2018.² Jurisdiction is still not properly pleaded.

“A corporation, for purposes of diversity, is a citizen of *both* the state of incorporation and of the state in which it has its principal place of business. *Montrose Chemical Corp. v. American Motorists Ins. Co.*, 117 F.3d 1128, 1134 (9th Cir. 1997); 28 U.S.C. §1332(c)(1).”³ The Amended Complaint alleges that

¹ Doc. 3.

² Doc. 5.


³ Doc. 3 at 2-3 (emphasis added).

Defendant Target Corporation “is a citizen and a corporation with its principal place of business located in the State of Minnesota.”⁴ The Amended Complaint does not address both state of incorporation and principal place of business. “In a diversity case an allegation that a corporation is a citizen of a state is insufficient without an allegation as to the state in which it is incorporated and that state in which it has its principal place of business.” *Veeck v. Commodity Enters., Inc.*, 487 F.2d 423, 426 (9th Cir. 1973); *See* 28 U.S.C. § 1332.

ORDERED:

This case will be dismissed on May 29, 2018, unless Plaintiff files an additional amended pleading properly alleging jurisdiction on or before that date. A third opportunity to properly plead jurisdiction will not be accorded. In the absence of an appropriate filing, this action will be dismissed.

DATED this 21st day of May, 2018


SAM E. HADDON
United States District Judge

⁴ Doc. 5 at 2.