

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

National Specialty Underwriters,)	
Inc., a Washington corporation,)	
)	
Plaintiff,)	
)	
v.)	08 C 2360
)	
Matthew Anderson, an individual,)	
and CRC Insurance Services, Inc.,)	
an Alabama corporation.)	
)	
Defendants.)	

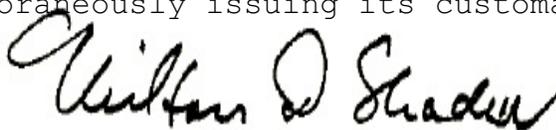
MEMORANDUM ORDER

National Specialty Underwriters, Inc. ("National") has brought this action against Matthew Anderson ("Anderson") and CRC Insurance Services, Inc. ("CRC"), invoking federal jurisdiction in diversity of citizenship terms. This memorandum order is issued sua sponte because of an obvious flaw in the Complaint's jurisdictional allegations.

Although Complaint ¶¶ 1,3 and 4 correctly identify both aspects of the corporate citizenship of National and CRC as defined in 28 U.S.C. § 1332(c)(1), Complaint ¶¶ 2 and 4 speak of Anderson's residence rather than his state of citizenship. There is really no justification for so basic an error -- indeed, such cases as Held v. Held, 139 F.3d 998, 1000 (7th Cir. 1998) mandate the dismissal of an action where a plaintiff's counsel has made that mistake.

This Court, however, is loath to force the payment of a second \$350 filing fee where it seems almost certain that the

defect is readily curable -- hence leave is granted to National's counsel to file an appropriate amendment to Complaint ¶¶ 2 and 4 (not a fully self-contained Amended Complaint) on or before May 9, 2008. Failing such an amendment, of course, this Court would be constrained to dismiss both the Complaint and this action for lack of subject matter jurisdiction. In the meantime, on the assumption that the flaw identified here can indeed be cured, this Court is contemporaneously issuing its customary initial scheduling order.



Milton I. Shadur
Senior United States District Judge

April 28, 2008