



JUDGE SAMUEL DER-YEGHIAYAN

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JOINT JURISDICTIONAL STATUS REPORT

(For Removal Cases)

ORDER

The “first duty in every case” in federal district court for a judge is to “independently” determine whether or not the court has subject matter jurisdiction. *Belleville Catering Co. v. Champaign Market Place, L.L.C.*, 350 F.3d 691, 692-94 (7th Cir. 2003)(criticizing judge for accepting jurisdictional allegations at “face value” and remanding case for dismissal for lack of jurisdiction after a jury trial was held by court). We order the parties to confer and file a Joint Jurisdictional Status Report.

THE JOINT JURISDICTIONAL STATUS REPORT IS FOR INFORMATIONAL PURPOSES TO INFORM THE COURT OF THE PARTIES’ POSITION AS TO WHY THE COURT HAS SUBJECT MATTER JURISDICTION. IF PLAINTIFF INTENDS TO CONTEST SUBJECT MATTER JURISDICTION, THEN THE PARTIES NEED NOT FILE A JOINT JURISDICTIONAL STATUS REPORT. INSTEAD, PLAINTIFF SHOULD FILE AN APPROPRIATE MOTION, SUCH AS A MOTION TO REMAND, BY THE DEADLINE SET FOR THE FILING OF THE JOINT JURISDICTIONAL STATUS REPORT. THE REPORT IS NOT THE PROPER AVENUE TO CONTEST SUBJECT MATTER JURISDICTION.

The Joint Jurisdictional Status Report should be signed by counsel for all parties. The report should contain two sections. The first section should be entitled “I. Subject Matter Jurisdiction.” The parties should not feel obligated to spend unnecessary time preparing the report and thus we note that if the parties are seeking jurisdiction pursuant to federal question jurisdiction then the first section may be concise. However for suits brought pursuant to diversity jurisdiction the report should provide a detailed explanation of why this court has subject matter jurisdiction and attach supporting documentation to support allegations concerning topics such as state of citizenship, state of incorporation, principal place of business, and amount in controversy. The documentation need not include original documents and copies will suffice. *In addition to the supporting documentation*, the parties should attach affidavits to support all the jurisdictional requirements. The parties should ensure that the jurisdictional allegations and supporting documentation reference the time periods associated to each allegation. For example, rather than stating that “Mr. Smith is or was a citizen of Illinois,” the parties should specify the time period that Mr. Smith was or has been a citizen of Illinois. Rather than stating that “Smith Company’s principal place of business is or was in Chicago, Illinois,” the parties should state the time period during which Smith Company’s principal place of business was or has been in Illinois.

The second section of the report should contain a section entitled “II. Venue (Plaintiff’s Position).” The section should be prepared solely by the Plaintiff and will be considered by the court to be representations made solely by Plaintiff and the representations will not be deemed to be admitted by Defendant. The section should include a detailed explanation of why venue is appropriate in this district and division and attach supporting affidavits. As with section one of the report, Plaintiff should make sure that all allegations make reference to the pertinent time periods. This section is not intended to resolve the venue issue and Plaintiff is free to file a motion to transfer if Plaintiff so desires.

If the Joint Jurisdictional Status Report fails to address the relevant issues with the required specificity or fails to include sufficient supporting documentation the parties will be ordered to submit a new report.

Samuel Der-Yeghiayan
Samuel Der-Yeghiayan
United States District Court Judge