

MEA,PMF

**U.S. District Court
Southern District of Illinois (East St. Louis)
CIVIL DOCKET FOR CASE #: 3:15-cv-00401-MJR-PMF**

Vance v. Ace American Insurance Company
Assigned to: Chief Judge Michael J. Reagan
Referred to: Magistrate Judge Philip M. Frazier
Case in other court: Twentieth Judicial Circuit St. Clair
County, 15-L-116
Cause: 28:1441 Petition for Removal- Insurance Contract

Date Filed: 04/09/2015
Jury Demand: Defendant
Nature of Suit: 110 Insurance
Jurisdiction: Diversity

Plaintiff**Doraine Vance**

represented by **Thomas G. Kemper**
Butler & Kemper
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Granite City, IL 62040
618-931-1681
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**Ace American Insurance Company**

represented by **Jeffrey T. Bash**
Lewis Brisbois Bisgaard & Smith LLP -
Edwardsville
Mark Twain Plaza II - Ste. 300
103 West Vandalia Street
Edwardsville, IL 62025
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
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04/09/2015	1	NOTICE OF REMOVAL from Twentieth Judicial Circuit, St. Clair County, IL, case number 15-L-116 (Filing fee \$ 400 receipt number 0754-2586423), filed by Ace American Insurance Company. (Attachments: # 1 Exhibit Complaint, # 2 Civil Cover Sheet Civil Cover Sheet)(Bash, Jeffrey) (Entered: 04/09/2015)
04/09/2015	2	Corporate Disclosure Statement by Ace American Insurance Company identifying Corporate Parent Ace American Insurance Company for Ace American Insurance Company. (Bash, Jeffrey) (Entered: 04/09/2015)
04/09/2015	3	DEMAND for Trial by Jury by Ace American Insurance Company. (Bash, Jeffrey) (Entered: 04/09/2015)
04/09/2015	4	NOTICE of Appearance by Jeffrey T. Bash on behalf of Ace American Insurance Company (Bash, Jeffrey) (Entered: 04/09/2015)
04/09/2015	5	NOTICE by Ace American Insurance Company <i>Notice to Plaintiff of Notice of Removal</i> (Bash, Jeffrey) (Entered: 04/09/2015)
04/10/2015	6	Notice of Judge Assignment. Chief Judge Michael J. Reagan and Magistrate Judge Philip M. Frazier assigned. All future documents must bear case number 15-401-MJR-PMF. If the parties consent to Magistrate Judge assignment, the consent form with instruction is attached for your convenience. Refer to Civil/Removal Case Processing Requirements, found on the ILSD website, for further service information. (lmb) (Entered: 04/10/2015)
04/13/2015	7	ORDER: Questions of subject-matter jurisdiction must be considered by a court <i>sua sponte</i> . <i>Wellness Int'l Network, Ltd. v. Sharif</i>, 727 F.3d 751, 768 (7th Cir. 2013) . This case was filed in St. Clair County (Illinois) Circuit Court, and removed by the Defendant (Doc. 1). The notice of removal, seeks to invoke this Courts § 1332 diversity jurisdiction. Section 1332 requires an amount in controversy over \$75,000 and complete diversity among the parties. To ascertain the existence of the latter, the Court must know the citizenship of every party. The removal notice falls short of supplying this information. Defendant states that "[u]pon information and belief, Plaintiff is an individual resident of the state of Illinois." (<i>Id.</i> at 2). First, "u]pon information and belief" is a construction that has been roundly rejected in the Seventh Circuit. <i>Med. Assurance Co. v. Hellman</i>, 610 F.3d 371, 376 (7th Cir. 2010); <i>America's Best Inns, Inc. v. Best Inns of Abilene, L.P.</i>, 980 F.2d 1072, 1074 (7th Cir. 1992) . Further, the residence of the Plaintiff is stated (Illinois) but not the Plaintiff's citizenship. This is insufficient. <i>Heinen v. Northrop Grumman Corp.</i>, 671 F.3d 669, 670 (7th Cir. 2012) . Accordingly, the Court DIRECTS Defendants to file an AMENDED removal notice clearly delineating the citizenship of all parties, to be filed by May 5, 2015.(Amended Pleadings due by 5/5/2015.) Signed by Chief Judge Michael J. Reagan on 4/13/15. (mea) (Entered: 04/13/2015)

