United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	George W. Lindberg	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	07 C 6769	DATE	May 21, 2008
CASE TITLE	Argentum Medical, LLC vs. Noble Biomaterials, *et al*.		

DOCKET ENTRY TEXT

The Court, *sua sponte*, strikes Derma Sciences, Inc.'s third-party complaint [56]. The complaint fails to properly allege federal subject matter jurisdiction. *See Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 94-95 (1998). Derma is granted leave to file an amended third-party complaint against Noble Fiber Technologies, LLC which establishes federal subject matter jurisdiction on or before June 2, 2008.

■[For further details see text below.] Docketing to mail notices.

STATEMENT

In its third-party complaint against Noble Fiber Technologies, LLC, Derma Sciences, Inc. ("Derma") alleges two state-law claims – breach of contract and breach of implied warranty. The complaint may therefore require federal subject matter jurisdiction pursuant to 28 U.S.C. § 1332. *See* FED. R. CIV. P. 8(a)(1) ("A pleading that states a claim for relief must contain. . .a short and plain statement of the grounds for the court's jurisdiction. . . ."). Noble Fiber Technologies, LLC is a limited liability company and citizen of every state in which one of its members is a citizen. *See Thomas v. Guardsmark, LLC*, 487 F.3d 531, 534 (7th Cir. 2007). Derma's complaint fails to identify and provide the citizenship of every member of the limited liability company. Without this information, the Court is unable to determine whether it may exercise subject matter jurisdiction over the complaint pursuant to § 1332.

If Derma intends to allege federal subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338(a), and 1367, Derma must state more fully the bases for the Court's subject matter jurisdiction under those statutes.

Courtroom Deputy Initials:	SLB