

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

|                |   |                       |
|----------------|---|-----------------------|
| ROB FISCHER,   | ) |                       |
|                | ) |                       |
| Plaintiff,     | ) | Case No. 18 C 3650    |
|                | ) |                       |
| v.             | ) |                       |
|                | ) | Judge Jorge L. Alonso |
| NETGEAR, INC., | ) |                       |
|                | ) |                       |
| Defendant.     | ) |                       |

**ORDER**

The Court dismisses the complaint for want of jurisdiction. Plaintiff is granted leave to file an amended complaint by June 21, 2018.

**STATEMENT**

In every case, a federal court must first assure itself that it has jurisdiction over the claims before it. *Scott Air Force Base Prop., LLC v. County of St. Clair Ill.*, 548 F.3d 516, 520 (7th Cir. 2008). A party seeking to avail itself of a federal court’s jurisdiction bears the burden of establishing jurisdiction “with the manner and degree of evidence required at the successive stages of litigation.” *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 561 (1992). Here, at the pleadings stage, plaintiff must allege facts sufficient to establish that this Court has jurisdiction over the case.

In this case, Plaintiff Rob Fischer (“Fischer”) has filed a purported class-action complaint against defendant Netgear, Inc. Fischer asserts that this Court has jurisdiction pursuant to the Class Action Fairness Act, 28 U.S.C. §1332(d). The Class Action Fairness Act grants district courts original jurisdiction over civil actions in which “the matter in controversy exceeds the sum or value of \$5,000,000, exclusive of interests and costs, and is a class action in which—(A) any member of a class of plaintiffs is a citizen of a State different from any defendant[.]”

Plaintiff has adequately alleged that he is a citizen of Illinois, and he has alleged a class of persons in Illinois. Plaintiff has not, however, adequately alleged the citizenship of defendant Netgear, Inc. Netgear, Inc., like every corporation, is a citizen of the State in which it is incorporated and the State where it has its principal place of business. 28 U.S.C. § 1332(c)(1). Plaintiff needs to include allegations as to Netgear, Inc.’s state of incorporation and the state in which it has its principal place of business. Finally, plaintiff has failed to include any allegations from which the Court can conclude that the amount in controversy is greater than \$5,000,000.

Accordingly, the complaint is dismissed for lack of jurisdiction. Plaintiff is granted leave to file an amended complaint by June 21, 2018.

**SO ORDERED.**

**ENTERED: May 25, 2018**

A handwritten signature in black ink, appearing to read 'JL Alonso', enclosed within a large, loopy oval stroke.

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**JORGE L. ALONSO**  
**United States District Judge**