

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

**NORFOLK SOUTHERN RAILWAY
COMPANY,**

Plaintiff,

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Case No. 14 C 8891

**ALSIP ACQUISITION, LLC, d/b/a
FUTUREMARK ALSIP and d/b/a
FUTUREMARK PAPER COMPANY.**

Defendant.

MEMORANDUM ORDER

On November 17, 2014 this Court issued a brief memorandum order ("Order") in this then-recently-filed action by Norfolk Southern Railway Company ("Norfolk Southern") against a defendant described in the caption and the body of the Complaint as "Alsip Acquisition, LLC, d/b/a Futuremark Alsip and d/b/a Futuremark Paper Company." Because the Order identified a potentially fatal shortcoming in Norfolk Southern's attempted invocation of federal jurisdiction in diversity-of-citizenship terms, it gave Norfolk Southern's counsel until November 26 to file an appropriate amendment curing that deficiency.

But on November 24 Norfolk Southern's counsel filed instead a suggestion of defendant's bankruptcy, based on its November 20 Chapter 11 bankruptcy petition filed in the United States Bankruptcy Court for the District of Delaware. That of course has triggered an automatic stay as against defendant, but such an in limbo status appears wholly unsatisfactory in the current situation in which federal jurisdiction is itself in doubt.

Accordingly, unless Norfolk Southern's counsel were to file a motion scheduled for presentment on or before December 22, 2014 to deal with the subject, it would appear that a without-prejudice dismissal of the Complaint and action would be the most appropriate and least complicated step to take. That said, this Court would entertain any other suggestion that counsel might submit.

A handwritten signature in black ink, reading "Milton I. Shadur". The signature is written in a cursive, flowing style. To the right of the signature is a horizontal line.

Milton I. Shadur
Senior United States District Judge

Date: December 2, 2014