

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
DAKOTA, SOUTHERN DIVISION

James Brommer v. Bell Tower Investment, LLC

4:25-CV-04185-CCT · No. 4:25-CV-04185-CCT · Decided May 15, 2026

SUMMARY

The United States District Court for the District of South Dakota addresses pending motions in a pro se landlord-tenant dispute, including a motion to strike a Rule 7.1 disclosure, a motion to dismiss, and a motion to strike a sanctions motion. The court declines to strike the disclosure or dismiss the pleadings for formatting defects, finds federal-question jurisdiction adequately alleged through the RICO claims, and concludes that diversity jurisdiction is not established for the state-law claims. The court proceeds to assess whether the RICO and related claims satisfy Rule 12(b)(6).

CASE DETAILS

COURT	United States District Court for the District of South Dakota, Southern Division
WRITING FOR THE COURT	Camela C. Theeler
JURISDICTION	United States District Court for the District of South Dakota, Southern Division
DECIDED	May 15, 2026
DOCKET	4:25-CV-04185-CCT
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant moved to strike the plaintiff's Rule 7.1 disclosure and to dismiss the complaint. Plaintiff filed an amended complaint, opposed dismissal, and later moved for terminating sanctions and judgment. The court denied the first motion to strike, granted dismissal of all claims, denied the sanctions motion, and denied the corresponding motion to strike as moot.
STANDARD OF REVIEW	On the facial Rule 12(b)(1) challenge, the court accepted the well-pleaded factual allegations as true and construed reasonable inferences in plaintiff's favor. On the factual diversity-jurisdiction challenge, plaintiff was required to establish the amount in controversy by a preponderance of the evidence. For Rule 12(b)(6), the court accepted factual allegations as true and construed reasonable inferences in plaintiff's favor but disregarded legal conclusions, applying the

	plausibility standard. Rule 12(f) motions to strike are disfavored and ordinarily granted only as an extreme and infrequent measure.
PRECEDENTIAL VALUE	Nonprecedential district-court order
PARTIES	James Brommer v. Bell Tower Investment, LLC

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QUESTIONS PRESENTED

1. Whether Bell Tower's Rule 12(f) motion to strike Brommer's Rule 7.1 disclosure was authorized when a Rule 7.1 disclosure is not a pleading.
2. Whether Brommer's amended complaint mooted the pending motion to dismiss and whether the original and amended complaints should be read together.
3. Whether the complaints should be dismissed for failing to use numbered paragraphs under Federal Rule of Civil Procedure 10(b).
4. Whether the court had federal-question jurisdiction over Brommer's RICO claims.
5. Whether diversity jurisdiction existed over Brommer's state-law claims based on the amount in controversy.
6. Whether Brommer plausibly alleged civil RICO claims under 18 U.S.C. § 1962(a) or § 1962(b), including the required injury and pattern of racketeering activity.
7. Whether the court should exercise supplemental jurisdiction over the state-law claims after dismissing the RICO claims.
8. Whether Brommer was entitled to terminating sanctions, judgment, or restitution based on alleged criminal violations.

HOLDINGS

1. A Rule 7.1 disclosure is not a pleading within Federal Rule of Civil Procedure 7(a), so Rule 12(f) does not apply to it. In any event, the circumstances did not warrant striking the disclosure.
2. The amended complaint did not moot the pending motion to dismiss because Brommer intended it to supplement, rather than replace, the original complaint and the parties had fully briefed the motion.
3. Failure to use numbered paragraphs under Rule 10(b) did not require dismissal because Bell Tower was able to discern the claims and did not claim prejudice.
4. The amended and original complaints sufficiently alleged a RICO claim to invoke federal-question jurisdiction under 28 U.S.C. § 1331, even though the RICO claims ultimately failed under Rule 12(b)(6).

5. Brommer failed to establish by a preponderance of the evidence that the amount in controversy exceeded \$75,000 for his state-law claims, so diversity jurisdiction was unavailable.
6. Brommer lacked standing to bring a civil claim under § 1962(a) because he did not allege an injury resulting from the use or investment of racketeering income that was distinct from injuries caused by the alleged predicate acts.
7. Brommer failed to state a claim under § 1962(b) because he did not allege an injury resulting from Bell Tower's acquisition or maintenance of an interest in or control of an enterprise, separate from injuries caused by the alleged predicate acts.
8. Even if Brommer had alleged a qualifying injury under § 1962(a) or (b), his conclusory allegations did not establish a pattern of racketeering activity because they did not show related predicate acts amounting to or threatening continued criminal activity.
9. After dismissing the RICO claims early in the action, the court declined to exercise supplemental jurisdiction over the related state-law claims and dismissed them without prejudice.
10. Brommer was not entitled to terminating sanctions, judgment, or restitution based on alleged criminal violations; the sanctions motion was denied.

KEY QUOTATIONS

“But a Rule 7.1 Disclosure is not a pleading.” (MOTION TO STRIKE)

“RICO does not cover all instances of wrongdoing. Rather, it is a unique cause of action that is concerned with eradicating organized, long-term, habitual criminal activity.” (MOTION TO DISMISS, IV.A.iii)

FACTUAL BACKGROUND

Brommer, a 71-year-old Arizona resident, negotiated a lease with Bell Tower for an apartment in Scotland, South Dakota, at a monthly rent of \$575 and prepaid rent and a security deposit. He alleged that the apartment was unavailable at the lease commencement date and, after possession, had air-conditioning, cleanliness, infestation, and water-damage problems. He claimed that efforts to move his property between apartments, Bell Tower's alleged threats and conduct, and his inability to retrieve property caused personal injuries, property loss, and other damages. The alleged contractual relationship lasted approximately 10 to 16 days.

PROCEDURAL HISTORY

Brommer filed suit asserting RICO and various state-law claims arising from a short-term apartment lease dispute. Bell Tower moved to strike the Rule 7.1 disclosure and dismiss the complaint for pleading deficiencies, lack of subject-matter jurisdiction, failure to state a claim, and failure to join a party. Brommer filed an amended complaint within 21 days of the motion, and the court treated it as supplementing rather than replacing the original complaint. The court dismissed the RICO claims with prejudice, declined supplemental jurisdiction over the remaining state-law claims and dismissed them without prejudice, and denied Brommer's motion for terminating sanctions.

DISPOSITION

dismissed

CASES CITED

- Schaaf v. Residential Funding Corp., 517 F.3d 544, 549 (8th Cir. 2008)
- Stanbury Law Firm, P.A. v. Internal Revenue Serv., 221 F.3d 1059, 1063 (8th Cir. 2000)
- Lunsford v. United States, 570 F.2d 221, 229 (8th Cir. 1977)
- Dakota Provisions, LLC v. Hillshire Brands Co., 226 F. Supp. 3d 945, 951 (D.S.D. 2017)
- Schlafly v. Eagle Forum, 970 F.3d 924, 933 (8th Cir. 2020)
- Larson Mfg. Co. of S.D., Inc. v. Am. Modular Housing Grp. LLC, No. 4:16-CV-04118-VLD, 2018 WL 627185, at *5-6 (D.S.D. Jan. 30, 2018)
- Parker v. Kearney Sch. Dist., No. 22-00454-CV-W-GAF, 2023 WL 12202099, at *2 (W.D. Mo. Apr. 26, 2023)
- Noorani v. Dir. of U.S. Citizenship and Immigr. Servs., No. 8:25CV221, 2025 WL 1664344, at *2 (D. Neb. June 12, 2025)
- Cartier v. Wells Fargo Bank, N.A., 547 F. App'x 800, 804 (8th Cir. 2013)
- Kiir v. N.D. Pub. Health, 651 F. App'x 567, 568 (8th Cir. 2016)
- Eblen v. City of Kan. City, No. 4:18-CV-00297-DGK, 2018 WL 3468374, at *4 (W.D. Mo. July 18, 2018)
- Raper v. Hildreth, No. 1:23-CV-01034-SOH-BAB, 2023 WL 8723966, at *3 (W.D. Ark. Sept. 7, 2023)
- Phillips v. Girdich, 408 F.3d 124, 127-28 (2d Cir. 2005)
- Iowa Health Sys. v. Trinity Health Corp., 177 F. Supp. 2d 897, 906 (N.D. Iowa 2001)
- Kokkonen v. Guardian Life Ins. Co. of Am., 511 U.S. 375, 377 (1994)
- Crow Creek Sioux Tribe v. Bureau of Indian Affs., 463 F. Supp. 2d 964, 967 (D.S.D. 2006)
- Middlebrooks v. United States, 8 F. Supp. 3d 1169, 1173 (D.S.D. 2014)
- Ngam v. Kludt, No. 1:24-CV-01025-ECS, 2025 WL 2636587, at *3 (D.S.D. Sept. 12, 2025)
- Fogie v. THORN Ams., Inc., 190 F.3d 889, 894-96 (8th Cir. 1999)
- Larkin v. Brown, 41 F.3d 387, 388 (8th Cir. 1994)
- St. Paul Mercury Indem. Co. v. Red Cab Co., 303 U.S. 283, 289 (1938)
- Missouri ex rel. Pemiscot Cnty. v. W. Sur. Co., 51 F.3d 170, 173 (8th Cir. 1995)
- Kopp v. Kopp, 280 F.3d 883, 884-85 (8th Cir. 2002)
- Stone v. Harry, 364 F.3d 912, 914 (8th Cir. 2004)
- Retro Television Network, Inc. v. Luken Commc'ns, LLC, 696 F.3d 766, 768-69 (8th Cir. 2012)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- D'Addario v. D'Addario, 901 F.3d 80, 97 (2d Cir. 2018)
- Cheng v. Wilcox, No. 23-CV-0737 (NEB/LIB), 2023 WL 4059770, at *4 (D. Minn. June 8, 2023)
- Jason M. Hatfield, P.A. v. Ornelas, No. 5:22-CV-05110, 2023 WL 8878203, at *7 (W.D. Ark. Dec. 22, 2023)
- Craig Outdoor Advert., Inc. v. Viacom Outdoor, Inc., 528 F.3d 1001, 1028-29 (8th Cir. 2008)

- UMB Bank, N.A. v. Richard Guerin, as personal representative for the estate of Jessie Benton, et al, UMB Bank, N.A. v. Guerin, 89 F.4th 1047, 1055-56 (9th Cir. 2024)
- Crest Constr. II, Inc. v. Doe, 660 F.3d 346, 356 (8th Cir. 2011)
- Terry A. Lambert Plumbing, Inc. v. W. Sec. Bank, 934 F.2d 976, 981 (8th Cir. 1991)
- Stonebridge Collection, Inc. v. Carmichael, 791 F.3d 811, 822 (8th Cir. 2015)
- Gregoire v. Class, 236 F.3d 413, 419 (8th Cir. 2000)
- Thomas v. Dickel, 213 F.3d 1023, 1026 (8th Cir. 2000)
- Chambers v. NASCO, Inc., 501 U.S. 32, 43-45 (1991)
- Cragoe v. Maxwell, No. 11-4188, 2012 WL 462960, at *2 (D.S.D. Feb. 13, 2012)

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