

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WISCONSIN

NTM, Inc. v. A.R. Arena Products Inc.

NTM · No. 24-cv-830-jdp · Decided March 20, 2026

SUMMARY

In this breach of contract case, the United States District Court for the Western District of Wisconsin ordered the plaintiff to provide supplemental evidence establishing the parties’ citizenship for diversity jurisdiction. The court also directed both parties to file trial briefs by May 1, 2026, addressing their claims, defenses, evidence, jury instructions, and proposed verdict forms.

CASE DETAILS

COURT	United States District Court for the Western District of Wisconsin
WRITING FOR THE COURT	James D. Peterson
JURISDICTION	United States District Court for the Western District of Wisconsin
DECIDED	March 20, 2026
DOCKET	24-cv-830-jdp
DISPOSITION	other
PROCEDURAL POSTURE	In a breach-of-contract action scheduled for trial, the district court ordered the plaintiff to supplement the jurisdictional record concerning the parties' citizenship and directed both parties to file trial briefs and other pretrial materials.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	NTM, Inc. v. A.R. Arena Products Inc.

TOPICS

- subject matter jurisdiction
- civil procedure
- breach of contract
- commercial litigation

PRACTICE AREAS

- civil procedure
- contracts
- commercial litigation

QUESTIONS PRESENTED

1. Whether the existing record adequately established the parties' citizenship and diversity jurisdiction under 28 U.S.C. § 1332 for purposes of proceeding to trial.
2. What pretrial submissions the parties must provide to allow the court to identify the claims, defenses, factual issues, evidence, jury instructions, verdict-form questions, and motions in limine requiring resolution at trial.

HOLDINGS

1. The existing record was insufficient to establish diversity jurisdiction for trial. The parties must provide evidence establishing the citizenship of both corporations, including each corporation's state of incorporation and principal place of business where required.
2. Because no party moved for summary judgment and the issues for trial were therefore unclear, both parties were required to file trial briefs addressing their claims, defenses, factual and legal issues, anticipated evidence, proposed jury instructions, verdict-form questions, and motions in limine.

KEY QUOTATIONS

“That was adequate at the pleading stage, but allegations aren’t enough to establish jurisdiction for trial.”

“The parties must submit evidence of A.R. Arena’s principal place of business and its state of incorporation.”

FACTUAL BACKGROUND

NTM, Inc. alleges that it is a Wisconsin corporation with its principal place of business in Wisconsin. NTM alleges that A.R. Arena Products Inc. is a foreign corporation with an address in New York, while A.R. Arena's corporate disclosure form identifies only New York citizenship. The record did not establish A.R. Arena's state of incorporation or principal place of business, and it also lacked evidence establishing NTM's citizenship beyond its pleadings.

PROCEDURAL HISTORY

NTM brought a diversity breach-of-contract action under 28 U.S.C. § 1332. The amended complaint alleged that the amount in controversy exceeded \$75,000 and alleged facts concerning the parties' citizenship, but the record lacked sufficient evidence to establish complete diversity for trial. With trial scheduled for June 2026 and no party having moved for summary judgment, the court issued this pretrial order requiring supplemental jurisdictional materials and trial briefs.

DISPOSITION

other

CASES CITED

- Lujan v. National Wildlife Federation, 497 U.S. 871, 888 (1990)
- Prizevoits v. Indiana Bell Telephone Co., 76 F.3d 132, 134 (7th Cir. 1996)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WISCONSIN NTM, INC., Plaintiff, ORDER v. 24-cv-830-jdp A.R. ARENA PRODUCTS INC., Defendant. This breach of contract case is scheduled for trial in June 2026, with pretrial submissions due in May.

The parties must address two issues. The first issue is about subject matter jurisdiction. NTM Inc. relies solely on 28 U.S.C. § 1332 as its basis for jurisdiction, but the record doesn't include all the information necessary to meet the requirements of that statute.

The amended complaint alleges an amount in controversy more than \$75,000, but the court needs more information about the parties' citizenship. As for NTM's citizenship, NTM alleges that it is a Wisconsin corporation with a principal place of business in Wisconsin. Dkt. 6, ¶ 1. That was adequate at the pleading stage, but allegations aren't enough to establish jurisdiction for trial.

See *Lujan v. Nat'l Wildlife Fed'n*, 497 U.S. 871, 888 (1990). A.R. Arena Products, Inc. did not admit NTM's citizenship in its amended answer, and there is no other evidence in the record on that issue. As for A.R. Arena's citizenship, NTM alleges that A.R. Arena is a "foreign" corporation and that it has an address in New York. Dkt. 6. A.R. Arena's corporate disclosure form says only that it is a citizen of New York.

That isn't enough: the parties must submit evidence of A.R. Arena's principal place of business and its state of incorporation. 28 U.S.C. § 1332(c)(1). NTM has the burden to prove jurisdiction, so the court will give plaintiff until April 3 to provide supplemental materials establishing jurisdiction.

The court expects A.R. Arena to cooperate in the effort to establish citizenship, and the parties may file a stipulation on jurisdiction, so long as the stipulation lays out all the relevant facts about the citizenship of the parties. *Prizevoits v. Indiana Bell Telephone Co.*, 76 F.3d 132, 134 (7th Cir. 1996). If the parties do not respond by the deadline, the court will dismiss the case for lack of jurisdiction.

The second issue is about the materials the parties must submit to the court before trial. No party moved for summary judgment in this case, so it is not clear what the issues are. To assist the court in preparing for trial, both sides are directed to file a trial brief by May 1, 2026, along with the other required pretrial submissions discussed in the preliminary pretrial conference order.

Those briefs should include the following information: (1) a summary of all the claims and defenses that need to be resolved at trial; (2) an explanation of each issue that the jury will have to decide to resolve those claims; (3) a summary of the evidence the parties intend to offer on each issue; and (4) an explanation for why the parties included each of their proposed substantive jury instructions and how those instructions relate to a question on their proposed verdict form.

More generally, the trial briefs should include the factual and legal context necessary for a proper understanding of the parties' theory of the case, proposed jury instructions, verdict form, and motions in limine. Entered March 20, 2026. BY THE COURT: /s/

JAMES D. PETERSON District Judge

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