

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **CV 11-08081 DMG (MANx)** Date January 14, 2013

Title **Mary Cummins v. Amanda Lollar, et al.** Page 1 of 1

Present: The Honorable **DOLLY M. GEE, UNITED STATES DISTRICT JUDGE**

VALENCIA VALLERY

Deputy Clerk

NOT REPORTED

Court Reporter

Attorneys Present for Plaintiff(s)
None Present

Attorneys Present for Defendant(s)
None Present

**Proceedings: IN CHAMBERS—ORDER TO SHOW CAUSE WHY THIS ACTION
SHOULD NOT BE DISMISSED FOR LACK OF SUBJECT MATTER
JURISDICTION**

On September 27, 2012, Plaintiff filed a Second Amended Complaint (“SAC”) [Doc. # 97]. The SAC names, for the first time, Defendants Rebecca Dmytryk aka WildRescue, Eric Shupps, Tiffany Krog, and Annette Stark. The SAC alleges state law causes of action only.

Plaintiff asserts subject matter jurisdiction based on diversity of citizenship, 28 U.S.C. § 1332(a). (SAC ¶ 2.) “Diversity jurisdiction requires complete diversity between the parties—each defendant must be a citizen of a different state from each plaintiff.” *Diaz v. Davis*, 549 F.3d 1223, 1234 (9th Cir. 2008) (citing *Strawbridge v. Curtiss*, 7 U.S. (3 Cranch) 267, 267, 2 L.Ed. 435 (1806)). Here, Plaintiff is a citizen of California. (SAC ¶ 4.) Newly named Defendants Rebecca Dmytryk, Tiffany Krog, and Annette Stark are also citizens of California. (*Id.* at ¶¶ 8, 10, 11.) Therefore, it appears that complete diversity no longer exists between the parties.

Accordingly, Plaintiff is hereby **ORDERED TO SHOW CAUSE** why this action should not be dismissed for lack of subject matter jurisdiction. Plaintiff shall file her response by January 28, 2013. **Failure to file a timely and satisfactory response to this Order shall result in the dismissal of this action.** The hearing on Defendant Shupps’ Motion to Strike or Dismiss Plaintiff’s SAC [Doc. # 108], set for January 18, 2013, is taken off calendar and shall be reset if necessary.

IT IS SO ORDERED.