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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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GameTech International, Inc.,)

No. CV 01-540-PHX-JAT

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Plaintiff/Counterdefendant,)

ORDER

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vs.)

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Trend Gaming Systems, L.L.C.,)

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Defendant/Counterclaimant.)

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Pending before the Court is Trend Gaming System’s, L.L.C.’s motion to reassign this case a Magistrate Judge. Before the undersigned considers this motion, this Court must undertake to ensure it has subject matter jurisdiction over this case. *Belleville Catering Co. v. Champaign Market Place, L.L.C.*, 350 F.3d 691, 693 (7th Cir. 2003) (“Inquiring whether the court has jurisdiction is a federal judge’s first duty in every case.”).

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The Court has reviewed the Complaint (Doc. #1), Counterclaim (Doc. #5), Second Amended Complaint (Doc. #60), and First Amended Counterclaim (Doc. #66) in this case. All of these documents plead that jurisdiction in this case is based on diversity of citizenship. *See* 28 U.S.C. § 1332. However, none of these documents properly plead the citizenship of Trend Gaming System, L.L.C.¹ *See Johnson v. Columbia Properties Anchorage, L.P.*, 437

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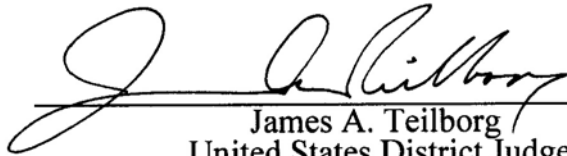
¹ It is possible that this pleading defect is cured elsewhere in this record, as the undersigned has not undertaken to read every document previously filed in this case.

1 F.3d 894, 899 (9th Cir. 2006) (holding that limited liability companies are citizens of every
2 state in which any member is a citizen).

3 Because a complaint and counterclaim have been filed, both parties have invoked the
4 jurisdiction of this Court. Thus, both parties have the burden of proving facts supporting
5 jurisdiction. *See Industrial Tectonics v. Aero Alloy*, 912 F.2d 1090, 1092 (9th Cir. 1990).
6 Accordingly,

7 IT IS ORDERED that by noon, December 5, 2008, the parties shall file a joint
8 jurisdictional statement in which they properly allege federal subject matter jurisdiction. If
9 the parties fail to plead complete diversity sufficient to establish jurisdiction, this case will
10 be dismissed, without prejudice, for lack of federal subject matter jurisdiction.²

11 DATED this 1st day of December, 2008.

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15 James A. Teilborg
16 United States District Judge
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27 ² Further, due to the age of this case, the parties must confirm the citizenship of each
28 party, member, or entity as of the date the complaint was filed.