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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Lieberman & Associates,

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No. CV 09-705-PHX-JAT

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Plaintiff,

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ORDER

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vs.

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GVSW Surprise Plaza LLC; GVSW
Surprise Plaza 15, LLC; Glimcher Co.,

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Defendants.

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“Inquiring whether the court has jurisdiction is a federal judge’s first duty in every case.” *Belleville Catering Co. v. Champaign Market Place, L.L.C.*, 350 F.3d 691, 693 (7th Cir. 2003). Additionally, federal courts are courts of limited jurisdiction. *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994). The party asserting jurisdiction bears the burden of proving a jurisdictional basis exists. *Id.*

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In this case, the Complaint fails to sufficiently plead jurisdiction. *See* 28 U.S.C. § 1332; *Johnson v. Columbia Properties Anchorage*, 437 F.3d 894, 899 (9th Cir. 2006); *Industrial Tectonics v. Aero Alloy*, 912 F.2d 1090, 1092 (9th Cir. 1990). First, the Complaint fails to allege the citizenship of every member of each limited liability company. Second, the Complaint fails to allege the state of incorporation and the principal place of business for the corporate Plaintiff. Finally, the Complaint fails to allege any form of citizenship for Defendant Glimcher.

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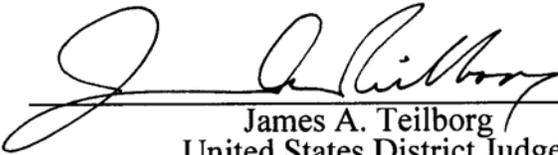
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Accordingly,

IT IS ORDERED that by May 22, 2009, Plaintiff shall file an amended complaint properly alleging federal subject matter jurisdiction, or this case will be dismissed without prejudice for lack of federal subject matter jurisdiction.

IT IS FURTHER ORDERED that the amended complaint shall not include fictitiously-named defendants unless Plaintiff shows cause to allow them. *See Craig v. U.S.*, 413 F.2d 854, 856 (9th Cir. 1969).

DATED this 7th day of May, 2009.



James A. Teilborg
United States District Judge