

1 **WO**

2

3

4

5

6

IN THE UNITED STATES DISTRICT COURT

7

FOR THE DISTRICT OF ARIZONA

8

9

Barrick Properties, Inc.,

No. CV 11-1254-PHX-JAT

10

Plaintiff,

**ORDER**

11

vs.

12

13

Universal Asset Management, LLC; Gary  
M. Lee; E.T. Archer Corp.; Archer  
Constructors, Inc.,

14

Defendants.

15

16

17

On August 10, 2011, the Court issued the following order:

18

“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 (7<sup>th</sup> Cir. 2003). In this case, the notice of removal fails to sufficiently plead jurisdiction. *See* 28 U.S.C. § 1332; *Johnson v. Columbia Properties Anchorage*, 437 F.3d 894, 899 (9<sup>th</sup> Cir. 2006) (discussing the citizenship of a limited liability company).

21

Accordingly,

22

**IT IS ORDERED** that by August 31, 2011, Defendants (as the parties asserting jurisdiction and therefore, with the burden of pleading jurisdiction, *see Lew v. Moss*, 797 F.2d 747, 749 (9<sup>th</sup> Cir. 1986)) shall file an amended notice of removal properly alleging federal subject matter jurisdiction, or this case will be remanded for lack of federal subject matter jurisdiction.

23

24

25

Doc. 19.

26

Defendants failed to file an amended notice of removal; accordingly, Defendants have

27

failed to properly alleging the citizenship of the limited liability company. Because

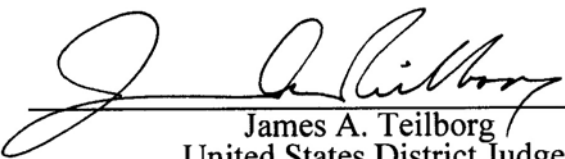
28

Defendants have failed to meet their burden of pleading federal subject matter jurisdiction,

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**IT IS ORDERED** that this case is remanded to Maricopa County Superior Court (the motion to dismiss filed July 6, 2011 and the motion to stay filed July 20, 2011 shall be pending before the Maricopa County Superior Court).

DATED this 7th day of November, 2011.

  
\_\_\_\_\_  
James A. Teilborg  
United States District Judge