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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Ryan Meinerz,

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No. CV 12-1453-PHX-JAT

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Plaintiff,

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ORDER

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vs.

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Border Collie Rescue, Inc.; Chiulista
Services, Inc.,

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Defendants.

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On August 10, 2012, the Court issued the following order:

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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). In this case, the notice of removal fails to sufficiently plead jurisdiction. *See* 28 U.S.C. § 1332; *Hertz Corp. v. Friend*, 130 S. Ct. 1181, 1192; - - - U.S. - - - (2010) (discussing the citizenship of corporations).

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Accordingly,

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IT IS ORDERED that by August 24, 2012, Defendant Chiulista Services, Inc. (as the party asserting jurisdiction and therefore, with the burden of pleading jurisdiction, *see Lew v. Moss*, 797 F.2d 747, 749 (9th Cir. 1986)) shall file a supplement to the notice of removal properly alleging federal subject matter jurisdiction, or this case will be remanded for lack of federal subject matter jurisdiction.

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Doc. 8.

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On August 24, 2012, the removing Defendant filed a supplement asserting the principal place of business of one of the two corporate Defendants. Diversity jurisdiction requires complete diversity between all plaintiffs and all defendants. *Caterpillar v. Lewis*, 386 U.S. 523, 531 (1996).

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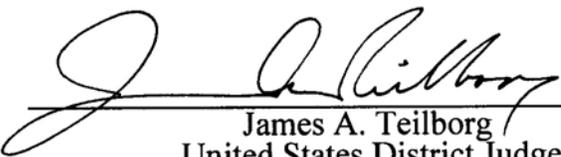
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Because the Notice of Removal, even after the Court permitted a supplement, still fails to allege complete diversity,

IT IS ORDERED remanding this case to Maricopa County Superior Court.

DATED this 5th day of September, 2012.



James A. Teilborg
United States District Judge