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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Spirit Master Funding X LLC,

No. CV-18-00330-PHX-JAT

10 Plaintiff,

ORDER

11 v.

12 Tennessee Ventures-Knoxville LLC, et al.,

13 Defendants.
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15 On February 1, 2018, the Court issued the following order:

16 “Inquiring whether the court has jurisdiction is a federal judge’s first
17 duty in every case.” *Belleville Catering Co. v. Champaign Market Place,*
18 *L.L.C.*, 350 F.3d 691, 693 (7th Cir. 2003). In this case, the complaint fails
19 to sufficiently plead jurisdiction. *See* 28 U.S.C. § 1332; *Johnson v.*
20 *Columbia Properties Anchorage, L.P.*, 437 F.3d 894, 899 (9th Cir. 2006)
21 (discussing the citizenship of a limited liability company).

19 Therefore,

20 **IT IS ORDERED** that, by February 9, 2018, Plaintiff shall file a
21 supplement to the complaint properly alleging the citizenship of each party
(and shall clarify the correct name of any d/b/a) or this case will be
dismissed, without prejudice, for lack of federal subject matter jurisdiction.

22 Doc. 12.

23 Plaintiff filed the required supplement. Doc. 13. Plaintiff has now alleged facts
24 which, if true, establish complete diversity. However, many of the facts in the
25 supplement are alleged based on information and belief, rather than actual knowledge.


26 The Ninth Circuit Court of Appeals permits parties to plead jurisdictional
27 allegations on information and belief. *See Carolina Cas. Ins. Co. v. Team Equip., Inc.*,
28 741 F.3d 1082, 1087-88 (9th Cir. 2014). However, the Court of Appeals has suggested

1 that the Court should revisit jurisdiction once the defendant has been served. *Id.* Thus,
2 the Court will require Plaintiff to file a jurisdictional supplement in six months that states
3 the citizenship (not domicile and not residence) of every party to this case. Plaintiff must
4 take whatever discovery is necessary within this timeframe to be able to establish
5 jurisdiction. The Court will not remind Plaintiff of this requirement in the future. In other
6 words, if the Court does not receive the jurisdictional supplement within six months, this
7 case will be dismissed.

8 Therefore,

9 **IT IS ORDERED** that Plaintiff shall file a jurisdictional supplement by August
10 13, 2018. This supplement may not allege citizenship based on information and belief.

11 Dated this 5th day of February, 2018.

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16 James A. Teilborg
17 Senior United States District Judge
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