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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Travelers Property Casualty Company of  
America,

No. CV 11-8151-PCT-JAT

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Plaintiff,

**ORDER**

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vs.

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Zurich American Insurance Company;  
National Union Fire Insurance Company)  
of Pittsburgh, PA; Farm Bureau Property  
& Casualty Insurance Company,

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Defendants.

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On November 23, 2011, 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 (7<sup>th</sup> Cir. 2003). In this case, the Complaint pleads jurisdiction based on 28 U.S.C. § 1332, which is diversity. However, the Complaint fails to adequately allege the citizenship of the parties such that this Court can independently assess its jurisdiction.

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Specifically, Plaintiff is a corporation; thus it is a citizen of its state of incorporation and its principal place of business. *Hertz Corp. v. Friend*, 130 S. Ct. 1181, 1192; - - - U.S. - - - (2010). While Plaintiff pleaded a state of incorporation and principal place of business for each Defendant, it failed to do so for itself. Because Plaintiff failed to plead these locations for itself, Plaintiff failed to allege diversity jurisdiction. Therefore,

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**IT IS ORDERED** that by December 19, 2011, Plaintiff shall file an amended complaint properly alleging federal subject matter jurisdiction or this case will be dismissed, without prejudice.

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On December 19, 2011, Plaintiff filed an amended complaint and alleged the

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citizenship of the parties such that Plaintiff has now alleged diversity. Accordingly, the

1 Court will take no further action regarding the citizenship of the parties, without prejudice  
2 to any Defendant contesting citizenship, if they deem it appropriate.

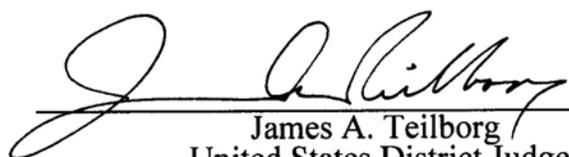
3 The Court notes that Defendants Farm Bureau Property & Casualty Insurance  
4 Company and Mortimer, Inc., had previously moved to dismiss due to Plaintiff's failure to  
5 prove that the amount in controversy exceeded the jurisdictional minimum. The Court has  
6 reviewed the amended complaint and finds that the amended complaint does not change the  
7 jurisdictional issue raised in the motion to dismiss. Accordingly,

8 **IT IS ORDERED** that the motion to dismiss (Doc. 10) remains pending. Defendants  
9 Farm Bureau Property & Casualty Insurance Company and Mortimer, Inc. must answer the  
10 amended complaint within 20 days after the Court rules on the pending motion to dismiss (if  
11 the motion is denied).

12 **IT IS FURTHER ORDERED** that the remaining Defendants must answer or  
13 otherwise respond to the amended complaint within 20 days of the date of this Order.

14 **IT IS FINALLY ORDERED** dismissing Does 1-50 because the Federal Rules of  
15 Civil Procedure do not provide for the use of fictitious defendants.

16 DATED this 20th day of December, 2011.

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20 James A. Teilborg  
21 United States District Judge  
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