

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV13-3577-CAS(MRWx)	Date	May 29, 2013
Title	TODDELLA BROWN, ET AL. v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.		

Present: The Honorable **CHRISTINA A. SNYDER**

CATHERINE JEANG	Not Present	N/A
Deputy Clerk	Court Reporter / Recorder	Tape No.
Attorneys Present for Plaintiffs:	Attorneys Present for Defendants	
Not Present	Not Present	

Proceedings: (In Chambers) ORDER TO SHOW CAUSE WHY ACTION SHOULD NOT BE DISMISSED FOR LACK OF SUBJECT MATTER JURISDICTION

On May 22, 2013, plaintiffs filed the instant action in this Court against defendant Bayer Healthcare Pharmaceuticals, Inc. Plaintiffs' complaint alleges the following claims for relief: defective manufacturing, design defect, negligence, failure to warn, strict liability, breach of implied warranty, breach of express warranty, negligent misrepresentation, fraudulent misrepresentation, and fraud by concealment. Plaintiffs' claims arise out of personal injuries allegedly suffered as a result of using the birth-control product Mirena.

It appears that the Court lacks subject matter jurisdiction over plaintiffs' complaint. Plaintiffs allege that the Court may exercise diversity jurisdiction over their complaint pursuant to 28 U.S.C. § 1332. Among other things, a federal court can only exercise diversity jurisdiction over a case if there is complete diversity between the plaintiffs and defendants. Here, plaintiff Kristine Blake is a citizen of Delaware, and because defendant Bayer Healthcare Pharmaceuticals, Inc. was incorporated in Delaware, it appears that the requirement of complete diversity is not met. Compl. ¶¶ 2, 14.

Accordingly, plaintiffs are hereby ORDERED to SHOW CAUSE by **June 7, 2013** why the instant action should not be dismissed for lack of subject matter jurisdiction.

IT IS SO ORDERED.

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 Initials of Preparer CMJ
