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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

OTASHE GOLDEN, M.D.,
Plaintiff,
v.

No. CIV. S-14-497 LKK/EFB

ORDER

SOUND INPATIENT PHYSICIANS
MEDICAL GROUP, INC.; DAMERON
HOSPITAL ASSOCIATION, a
California Non-Profit
Association; NICHOLAS
ARISMENDI, an individual and
DOES 1-10, inclusive,
Defendants.

Plaintiff has filed a Complaint alleging state law claims, with federal jurisdiction predicated upon diversity jurisdiction. ECF No. 1 ¶ 1. However, the sole jurisdictional allegations are that "the Plaintiff is a resident of a different state from the Defendant [sic] and because the value of the matter in controversy exceeds \$75,000." Id. The Complaint does not allege the specific facts that would allow this court to determine if diversity jurisdiction exists.

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1 Specifically, the Complaint fails to allege (1) the
2 plaintiff's State citizenship, (2) the principal place of
3 business of defendant Dameron Hospital Association, (3) the place
4 of incorporation and the principal place of business of Sound
5 Inpatient Physicians Medical Group, Inc., and (4) defendant
6 Arismendi's State citizenship.¹ See, e.g., Kanter v. Warner-
7 Lambert Co., 265 F.3d 853, 858 (9th Cir. 2001) (in a removal
8 case, the "failure to specify Plaintiffs' state citizenship was
9 fatal" to the assertion of diversity jurisdiction); Nelson v.
10 Matrixx Initiatives, Inc., 2012 WL 1094316 at *2 (N.D. Cal. 2012)
11 (Alsup, J.) ("In his first amended complaint, plaintiff must
12 allege defendant Matrixx's state of incorporation and the state
13 where it has its principal place of business") (citing 28 U.S.C.
14 § 1332(c)(1)).


15 Accordingly,

16 1. The court, sua sponte, **DISMISSES** the Complaint with
17 leave to amend within 30 days from the date of this order; and

18 2. All pending motions to dismiss the Complaint and to
19 compel arbitration (ECF Nos. 8, 10 & 11), are hereby **DENIED** as
20 moot.

21 IT IS SO ORDERED.

22 DATED: March 31, 2014.


LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT

23 _____
24 ¹ The court notes that there are three defendants, not just the
25 unspecified one referred to in the Complaint's jurisdictional
26 statement, raising the issue of whether complete diversity
27 exists. See In re Digimarc Corp. Derivative Litigation, 549 F.3d
28 1223, 1234 (9th Cir. 2008) ("Diversity jurisdiction requires
complete diversity between the parties – each defendant must be a
citizen of a different state from each plaintiff").