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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IAIN SHOVLIN,

Plaintiff,

v.

PAUL CARELESS, et al.,

Defendants.

Case No.: C-12-01120 JCS

ORDER TO SHOW CAUSE

In his First Amended Verified Complaint (“FAC”), Plaintiff alleges ten causes of action – libel, slander per se, tortious interference with prospective economic advantage, tortious interference with contract, breach of fiduciary duty, negligent misrepresentation, intentional infliction of emotional distress, fraud, fraudulent concealment, and civil conspiracy – raising only issues of California state law and raising no federal issues. Plaintiff asserts only that this Court has diversity jurisdiction over this action. FAC, ¶ 1.

In the FAC, Plaintiff states: “Plaintiff is a citizen of the United Kingdom who currently resides in Chicago.” FAC, ¶ 5. Further, Plaintiff identifies all Defendants in this action as citizens of the United Kingdom. FAC, ¶¶ 6-11. Accordingly, IT IS HEREBY ORDERED that Plaintiff appear on May 17, 2013 at 1:30 p.m. before Magistrate Judge Joseph C. Spero, in Courtroom G, 15th Floor, 450 Golden Gate Avenue, San Francisco, California, and then and there show cause why this action should not be dismissed for lack of federal subject matter jurisdiction. *See* 28 U.S.C. § 1332; *Montalet v. Murray*, 8 U.S. (4 Cranch) 46, 47, 2 L.Ed. 545 (1807); *see also Kramer v. Caribbean Mills, Inc.*, 394 U.S. 823, 824 n.2, 89 S.Ct. 1487, 23 L.Ed.2d 9 (1969) (stating that a district court

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would have no jurisdiction over a suit between foreign entities); *Faysound Ltd. v. United Coconut Chemicals, Inc.*, 878 F.2d 290, 294 (9th Cir. 1989) (“Diversity jurisdiction does not encompass foreign plaintiffs suing foreign defendants”); *Van Der Steen v. Sygen Intern., PLC*, 464 F.Supp.2d 931, 933-36 (N.D. Cal. 2006). Any written response to this Order to Show Cause shall be filed on or before May 10, 2013. The hearing on Plaintiff’s Motion for Default Judgment, currently scheduled for May 10, 2013 at 1:30 p.m., shall be continued to May 17, 2013 at 1:30 p.m. before Magistrate Judge Joseph C. Spero when it will be held contemporaneously with the hearing on this Order to Show Cause.

IT IS SO ORDERED.

Dated: May 2, 2013



JOSEPH C. SPERO
United States Magistrate Judge