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**\*E-Filed 9/28/09\***

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

R AND K REAL ESTATE  
INVESTMENTS, LP, et al.,

Case No. C 09-04437 RS

Plaintiffs,

v.

**ORDER TO SHOW CAUSE WHY  
ACTION SHOULD NOT BE  
DISMISSED FOR LACK OF  
JURISDICTION**

CAO-LY INVESTMENT CORPORATION,  
et al.,

Defendants.

On December 16, 2009, at 9:30 a.m., in Courtroom 4, plaintiffs shall appear and show cause, if any they have, why this matter should not be dismissed for lack of subject matter jurisdiction. The complaint asserts federal jurisdiction under 28 U.S.C. §1332(a)(1), based on an alleged diversity of citizenship among the parties. The complaint, however, alleges that plaintiffs and defendants Premier Value Realty, Gene Raffanti, North Valley Premier Property, and Christina Martinez are all citizens of California. Complaint ¶¶ 4, 5, 7, and 9. The Supreme Court has “consistently interpreted § 1332 as requiring complete diversity: In a case with multiple plaintiffs and multiple defendants, the presence in the action of a single plaintiff from the same State as a

1 single defendant deprives the district court of original diversity jurisdiction over the entire action.”  
2 *Exxon Mobil Corp. v. Allapattah Services, Inc.*, 545 U.S. 546, 553 (2005).

3 If, upon review of this order, plaintiffs conclude that jurisdiction is lacking, they shall  
4 promptly dismiss this action. If they believe a basis for jurisdiction exists, they shall serve a copy of  
5 this order upon defendants forthwith and shall file an opening brief in support of their position not  
6 less than 35 days prior to the December 16, 2009 hearing. Opposition, if any, shall be filed not less  
7 than 21 days prior to the hearing, and any reply shall be filed not less than 14 days prior to the  
8 hearing.

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IT IS SO ORDERED.

Dated: 9/28/09



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RICHARD SEEBORG  
UNITED STATES MAGISTRATE JUDGE