

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior District Judge Richard P. Matsch

Civil Action No. 11-cv-00440-RPM

FITNESS TOGETHER FRANCHISE CORPORATION,

Plaintiff,

v.

MSL HOLDINGS, LLC, and
M. SHANNON LIBEL,

Defendants.

ORDER OF DISMISSAL FOR LACK OF DIVERSITY JURISDICTION

On June 16, 2011, an Order to Show Cause and Stay Order issued requiring the plaintiff to show cause why this civil action should not be dismissed for failure to allege facts supporting a jurisdictional amount in controversy of \$75,000. The plaintiff filed a response on June 30, 2011. The response is insufficient for alleging facts supporting the amount in controversy. The plaintiff's attempt to claim that if it is incorrect in its assertion that it did not violate the master franchise agreement, the defendant may sustain damages in excess of \$75,000 is not persuasive. It is

ORDERED that this civil action is dismissed under Fed.R.Civ.P. 12(b)(1) for lack of subject matter jurisdiction.

DATED: July 6th, 2011

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior Judge