

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-00664-DME-MJW

TIMOTHY WAYNE HOUK, individually;
LINDA LUANNE ENGLISH, individually;
LIBERTY MUTUAL INSURANCE COMPANY, as subrogee of Timothy Wayne Houk;

Plaintiffs,

v.

GARY BEARD, d/b/a Handyman Services;
DAP PRODUCTS, INC., a Maryland corporation,

Defendants.

ORDER

This matter comes before the court on defendant Gary Beard's (1) motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(1) (Doc. 13), and (2) motion for sanctions pursuant to Rule 11(c) (Doc. 14). Having considered the motions and the parties' briefs, the court ORDERS as follows:

1. Plaintiff Liberty Mutual Insurance Company ("Liberty Mutual") has not sufficiently alleged diversity of citizenship between it and defendant Beard. Liberty Mutual is therefore ordered to file, by July 15, 2011, an amended complaint. The amendments to the original complaint shall be limited to allegations pertaining to subject-matter jurisdiction. If Liberty Mutual does not file an amended complaint by July 15, 2011, defendant Beard's motion to dismiss (Doc. 13) will be granted and this action will be dismissed for lack of subject-matter jurisdiction.

2. Defendant Beard's motion for sanctions (Doc. 14) is DENIED.

DATED this 1st day of July, 2011.

BY THE COURT:

David M. Ebel

U. S. Circuit Court Judge