

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge William J. Martinez**

Civil Action No. 14-cv-1156-WJM-KLM

DANIEL J. MILLER,  
TERANCE M. MAHER,  
MAX H. OWEN,  
MAHER FINANCIAL SERVICES PPST,  
DAVID MICHAUD,  
BURRIS A. BRUCE,  
WAYNE LARSON,  
HUGH THOMAS, JR. IRA 4949,  
GARY L. PETERSEN,  
MARLAYNE C. MILLER,  
GARY M. CUMMINGS,  
JOE W. KIRKPATRICK,  
JOE W. KIRKPATRICK IRA 40427,  
DAVID O'BANNON,  
DORIS T. REA, Executor of Estate Claudia Rea Browers,  
BRUCE LAMBERT REVOCABLE LIVING TRUST,  
KEVIN M. CUMMINGS TRUST, GARY CUMMINGS TRUSTEE,  
SIMONE MERCER,  
DANIEL M. LAVIK,  
4 D'S INVESTMENT CLUB,  
CHESTERFIELD MORTGAGE INVESTORS, INC.,  
ESTATE OF CHARLES R. ST. JOHN, St. John Fee Family LLC,  
ESTATE OF HARRY A. KIEHL,  
ROGER C. CLINE,  
PETER VERMEULEN, Vermeulen Family LLC,  
JOSEPHINE S. VERMEULEN, Trustee (J.S. Vermeulen Living Trust),  
JOSEPHINE S. VERMEULEN, Trustee (GST Exempt Fmily Trust of A. Vermeulen),  
ALICE LYN LARKSPUR REVOCABLE TRUST,  
WOLSDORF LIVING TRUST,  
DAVID ROOK,  
JAMES G. BENNETT,  
DORIS M. STROM,  
JAMES ROSE,  
JOAN AMES,  
RON IBSEN, and  
WAYNE D. PORTER,

Plaintiffs,

v.

HAROLD S. MCCLOUD,  
THOMAS J. POWER, and  
CORELOGIC COMMERCIAL REAL ESTATE SERVICES, INC.,

Defendants.

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### **ORDER DENYING DEFENDANT'S MOTION TO DISMISS**

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On April 23, 2014, the instant action was transferred to this Court from the U.S. District Court for the Western District of Washington. (ECF No. 1.) On April 29, 2014, due to Plaintiffs' failure to establish the citizenship of each Plaintiff in their Complaint, the Court entered an Order directing Plaintiffs to show cause as to why this action should not be dismissed for failure to allege sufficient facts indicating that the Court has diversity jurisdiction. (ECF No. 11.) The Court subsequently reviewed Plaintiffs' responses to the Order to Show Cause and was satisfied that it had diversity jurisdiction over this action. (ECF No. 24.)

On July 11, 2014, Plaintiff filed a Second Amended Complaint that added the Barbara Sorenson Living Trust as an additional Plaintiff. (ECF No. 36 at 8.) The Complaint alleges that one of the trust's beneficiaries, Faye Sorenson, resides in California, and that several other beneficiaries reside in the "Pacific Northwest." (*Id.*)

On September 16, 2014, Defendant CoreLogic Commercial Real Estate Services, Inc. ("Defendant") filed a Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(1) due to lack of diversity jurisdiction ("Motion"). (ECF No. 54.) Defendant alleges that its principal place of business is in California, not Colorado as

alleged in Plaintiff's Complaint. (*Id.* at 1.) Therefore, Defendant alleges that this matter lacks complete diversity because Faye Sorenson (and possibly other beneficiaries of the Barbara Sorenson Living Trust) resides in California. (*Id.*)

After the Motion was filed, however, the parties filed a Stipulation of Dismissal that dismissed the Barbara Sorenson Living Trust as a Plaintiff in this action. (ECF No. 63.) Plaintiff's Response to the Motion states that, because the sole basis of the Motion is that both Defendant and one beneficiary of the Sorenson Trust are citizens of California, the Stipulation of Dismissal restored complete diversity in this matter. (ECF No. 65.) Defendant has not filed a Reply, and has raised no other argument in its Motion that diversity is lacking. (ECF No. 54.) Therefore, the Court is satisfied that complete diversity once again exists in this matter, and Defendant's Motion (ECF No. 54) is accordingly DENIED.

Dated this 8<sup>th</sup> day of April, 2015.

BY THE COURT:



William J. Martinez  
United States District Judge