

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Judge Philip A. Brimmer**

Civil Action No. 16-cv-02716-PAB

HEALTHTRIO, LLC, a Colorado limited liability company,

Plaintiff,

v.

DELTA HEALTH SYSTEMS, INC., a California corporation,

Defendant.

---

**ORDER**

---

This matter is before the Court on the Stipulation and Joint Motion for Remand to State Court [Docket No. 17].

On November 4, 2016, defendant Delta Health Systems, Inc., (“Delta Health”) filed a notice of removal claiming that the Court has subject matter jurisdiction pursuant to 28 U.S.C. 1332. Docket No. 1 at 1, ¶ 1. On November 9, 2016, the Court entered an order to show cause why this case should not be dismissed for lack of subject matter jurisdiction. Docket No. 8. On November 21, 2016, Delta Health responded to the order to show cause. Docket No. 10. On November 30, 2016, the Court entered an additional order to show cause noting that Delta Health had not sufficiently demonstrated diversity of citizenship for purposes of 28 U.S.C. 1332. Docket No. 16 at 1-2. Delta Health has not responded to that order.

In the motion to remand, the parties state that HealthTrio, LLC (“HealthTrio”) asserts that one of its members resides in California. Docket No. 17 at 2, ¶ 6. Because

defendant Delta Health is a citizen of California, Docket No. 1 at 2-3, and HealthTrio is a citizen of at least California, there is no diversity of citizenship in this case. There is no other basis for subject matter jurisdiction.

For the foregoing reasons, it is

**ORDERED** that the Stipulation and Joint Motion for Remand to State Court [Docket No. 17] is **GRANTED**. It is further

**ORDERED** that the case shall be remanded to the District Court for the City and County of Denver, Colorado where it was filed as Case No. 2016CV033531.

DATED December 13, 2016.

BY THE COURT:

s/Philip A. Brimmer  
PHILIP A. BRIMMER  
United States District Judge