

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIAM MOSHER,

Plaintiff,

vs.

THE ROOTO CORPORATION,

Defendant.

Civil Action No.
13-CV-12431

HON. MARK A. GOLDSMITH

**ORDER REGARDING PLAINTIFF'S MOTION TO REMAND REQUIRING A
RESPONSE FROM DEFENDANT AND ADJOURNING UPCOMING HEARING**

This matter was removed from state court on June 4, 2013 based on the purported existence of diversity jurisdiction. On June 5, 2013, the Court issued an order requiring Defendant to file an amended notice of removal because Defendant, in its notice of removal, had not properly alleged its citizenship, thus preventing the Court from discerning whether the Court has diversity jurisdiction over the case. See Dkt. 4. Specifically, the Court noted that Defendant's citizenship was not properly alleged because Defendant stated only that it is "a Nevada Corporation," Dkt. 2, without specifying its principal place of business. See 28 U.S.C. § 1332(c)(1).

On June 6, 2013, Defendant filed a second amended notice of removal curing the deficiency by clarifying that it is a "Nevada Corporation with its principal place of business located 200 Hoover Avenue, Unit 1411, Las Vegas, Nevada, 89101." See Dkt. 5.

On June 27, 2013, Plaintiff filed a motion to remand, see Dkt. 9, arguing that diversity is lacking because Defendant's principal place of business is not, in fact, Nevada; according to Plaintiff, Defendant's principal place of business is Michigan. Because it is not disputed that

Plaintiff is a Michigan citizen, Plaintiff contends that diversity of citizenship is lacking and that the case must be remanded. Plaintiff's remand motion is supported by an affidavit from Plaintiff's counsel.

Defendant has not filed a response to Plaintiff's motion to remand, and the time to do so has now expired. Accordingly, the hearing on Plaintiff's motion, currently scheduled for October 3, 2013, is adjourned, and Defendant shall show cause in writing by July 25, 2013, why the case should not be remanded. Should Defendant fail to respond to this order, the Court will construe Defendant's silence as a concession that diversity jurisdiction is lacking and that remand is appropriate. If Defendant does respond to this order, the Court will review the response and issue an appropriate order.

SO ORDERED.

Dated: July 22, 2013
Flint, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on July 22, 2013.

s/Deborah J. Goltz
DEBORAH J. GOLTZ
Case Manager