

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

G-2000, INC,

Plaintiff,

v.

Case No. 5:08-cv-11485  
Honorable John Corbett O'Meara

RICHARD E.CHELTEN,  
LINDA J. CHELTEN, JEFFREY A. EGAN,  
LIBERATOR VENTURES, L.L.C, and  
ANTHONY R. GARZONY,

Defendants.

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**ORDER GRANTING DEFENDANT'S MOTION  
TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION**

Plaintiff's Complaint was filed on April 7, 2008 (Docket No. 1) and its First Amended Complaint was filed on December 30, 2008 (Docket No. 25). The jurisdiction of this Court was premised on diversity of citizenship under 28 U.S.C. § 1332(a)(1).

This matter was before the Court on Plaintiff's Motion for Summary Judgment (Docket No. 18) and on Defendants Motion to Dismiss for Lack of Subject Matter Jurisdiction (Docket No. 46). Oral arguments on those motions were conducted on May 28, 2009 and the Court rules as follows:

Plaintiff (a citizen of Ohio) amended its complaint on December 30, 2008 and included Defendant Anthony R. Garzony who was also a citizen of Ohio. The Court finds that complete diversity of citizenship was destroyed upon the filing of the First Amended Complaint. The Court also finds that Defendant Anthony R. Garzony is a necessary party under Fed. R. Civ. P. 19 but whose joinder destroys diversity jurisdiction.

**IT IS THEREFORE ORDERED** that this case is dismissed pursuant to Fed. R. Civ. P.

12(h)(3). Plaintiff's Motion for Summary Judgment is therefore moot.

Date: May 29, 2009

s/John Corbett O'Meara  
United States District Judge

I hereby certify that a copy of this order was served upon counsel of record on this date May 29, 2009, by electronic and/or ordinary mail.

William Barkholz  
Case Manager