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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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JAMIE CLARK, on Behalf of Herself and all  
Others Similarly Situated,  
  
Plaintiff,  
  
v.  
  
METROPOLITAN LIFE INSURANCE  
COMPANY,  
  
Defendant.

3:08-CV-00158-LRH-VPC

ORDER

Upon review of the Notice of Removal (#1) and the First Amended Class Action Complaint and Jury Demand (#14), this court is uncertain whether it has subject matter jurisdiction over this case. Defendant’s notice of removal states that “Plaintiff is a citizen of Nevada and MetLife is a citizen of New York.” (Notice of Removal (#1) ¶ 15.) Plaintiff alleges in her amended complaint that “Defendant Met Life has its principal place of business in New York.” (First Am. Compl. (#14) ¶ 4.)

These allegations are insufficient because they omit any mention of Met Life’s state of incorporation.<sup>1</sup> See *Fifty Associates v. Prudential Ins. Co.*, 446 F.2d 1187, 1190 (9<sup>th</sup> Cir. 1970)

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<sup>1</sup>Although the Class Action Fairness Act creates subject matter jurisdiction when “any member of a class of plaintiffs is a citizen of a State different from any defendant[.]” 28 U.S.C. § 1332(d)(2)(A), the only parties mentioned in the notice of removal and amended complaint are Jamie Clark and Metropolitan Life

1 (holding that allegations were insufficient to establish diversity jurisdiction when they failed to set  
2 forth a corporation's state of incorporation). As the removing party, Defendant has the burden of  
3 establishing federal jurisdiction. *See Wilson v. Republic Iron & Steel. Co.*, 257 U.S. 92, 97 (1921).  
4 The court will therefore order proof on the issue of whether the citizenship of any member of  
5 Plaintiff's purported class is different from Defendant's citizenship. *See* 28 U.S.C. 1332(d)(2)(A).

6 IT IS THEREFORE ORDERED that Defendant is granted 10 days to establish whether the  
7 parties in this case satisfy 28 U.S.C. § 1332(d)(2)(A). Plaintiff is granted 5 days to file a response.  
8 No reply is required.

9 IT IS SO ORDERED.

10 DATED this 26<sup>th</sup> day of January 2009.



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LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE

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Insurance Company.