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IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

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CHRISTOPHER M. NEMELKA,

Plaintiff,

vs.

THE CORPORATION OF THE  
PRESIDENT OF THE CHURCH OF JESUS  
CHRIST OF LATTER-DAY SAINTS, a Utah  
Non-Profit Corporation, JEFFREY R.  
HOLLAND, an individual, RUSSELL M.  
BALLARD, an individual, DENNIS P.  
SMITH, an individual, HYRUM W. SMITH,  
an individual, and JOHN AND JANE DOES,  
1-10,

Defendants.

ORDER DISMISSING CASE FOR LACK  
OF JURISDICTION

Case No. 2:07-CV-524

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Before the court is Christopher M. Nemelka's complaint against The Corporation of the President of the Church of Jesus Christ of Latter-day Saints and other defendants. Nemelka asserts that jurisdiction is proper "because of diversity of citizenship in that some of the Defendants do not reside in the State of Utah."<sup>1</sup> Unfortunately for Mr. Nemelka, the fact that some of the defendants may be citizens of different states than him does not make jurisdiction

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<sup>1</sup> Compl. 2 (Docket No. 1).

proper in this court. The basic requirement for diversity jurisdiction is that the plaintiff be of different citizenship than **all** of the defendants.<sup>2</sup>

In his complaint, Nemelka states that he is a resident of Utah County, Utah.<sup>3</sup> He also states that The Corporation of the President of the Church of Jesus Christ of Latter-day Saints has its headquarters in Salt Lake City, Utah.<sup>4</sup> Moreover, Nemelka notes that at least one of the four defendant individuals resides in the state of Utah.<sup>5</sup> Because the plaintiff and at least one of the defendants are citizens of the state of Utah, diversity citizenship is lacking. Consequently, the court must DISMISS this case. The Clerk's Office is directed to close this case.

DATED this 18th day of July, 2007.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Paul Cassell", written over a horizontal line.

Paul G. Cassell  
United States District Judge

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<sup>2</sup> *Strawbridge v. Curtiss*, 7 U.S. (3 Cranch) 267 (1806); *Harris v. Illinois-California Exp., Inc.*, 687 F.2d 1361, 1366 (10th Cir. 1982).

<sup>3</sup> Compl. 3.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* at 3-4.