

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

MOUNTAIN DUDES, LLC, a Missouri
limited liability company,

Plaintiff,

vs.

SPLIT ROCK, INC., a Utah corporation, et
al.,

Defendants.

**ORDER and
MEMORANDUM DECISION**

Case No. 2:08-cv-940-CW
Consolidated Case No. 2:09-cv-540
CW

On January 12, 2011, the court ordered Plaintiff Mountain Dudes, LLC to show cause why this action and its consolidated action should not be dismissed for lack of subject matter jurisdiction. In response, Mountain Dudes seeks leave to amend its complaint to allege sufficient facts to satisfy the court that the requirements of § 1332 have been met in these actions. Specifically, the proposed amended complaint in the lead case now alleges the state citizenship of each of the members of the entities who are parties in this case and who are not corporations. The proposed amended complaint makes it clear that there is complete diversity in this action and in the consolidated action. Defendants oppose Mountain Dudes' motion to amend, arguing that granting the motion will cause undue delay. The court disagrees. Allowing this amendment will not add any time to the proceedings, since it does not affect any of the substantial factual or legal

issues in this action. Accordingly, Mountain Dudes is allowed to amend the complaint, and the proposed amended complaint is deemed filed. As the court is now confident that there is subject matter jurisdiction in this matter, the court is working to prepare an order disposing all of the outstanding motions in this case

For the reasons set forth above, Mountain Dudes' motion for leave to amend the complaint (Dkt. No. 127) is GRANTED. The motion for joinder in opposing that motion by certain Defendants (Dkt. No. 132) is DENIED as moot.

SO ORDERED this 28th day of February, 2011.

BY THE COURT:



Clark Waddoups
United States District Judge