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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Daniel Zimmerman, et al.,)	CV-07-209-TUC-DCB
Plaintiffs/Counterdefendants,)	
v.)	ORDER
George Freeman, et al.,)	
Defendants/Counterclaimants.)	

Plaintiffs filed a Motion to Amend the Complaint which was granted by the Court on May 2, 2008. The newly added Defendants reside in the same state as the Plaintiffs. These Defendants were included in the action as necessary parties and to prevent piecemeal litigation.

Federal subject matter jurisdiction in this case is based on diversity. Although Article III of the Constitution would permit the federal courts to exercise jurisdiction over a broader class of diversity cases, *see State Farm Fire & Cas. Co. v. Tashire*, 386 U.S. 523, 530-31 (1967), Congress has limited the scope of diversity jurisdiction to cases involving particular alignments of parties. *See* 28 U.S.C. § 1332(a).¹ The diversity jurisdiction statute, as construed for nearly 200 years, requires that to bring a diversity case in federal court against

¹28 U.S.C. § 1332(a) provides, in pertinent part:
The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000 ... and is between-
(1) citizens of different States;
(2) citizens of a State and citizens or subjects of a foreign state;
(3) citizens of different States and in which citizens or subjects of a foreign state are additional parties; and
(4) a foreign state ... as plaintiff and citizens of a State or of different States.

1 multiple defendants, each plaintiff must be diverse from each defendant. *Strawbridge v.*
2 *Curtiss*, 7 U.S. (3 Cranch) 267, 2 L.Ed. 435 (1806).

3 That compliance with the diversity statute, including its complete diversity
4 requirement, is the cornerstone of diversity jurisdiction was made clear in *Newman-Green,*
5 *Inc. v. Alfonso-Larrain*, 490 U.S. 826 (1989). In a case involving claims against multiple
6 defendants, “the plaintiff must *meet the requirements of the diversity statute* for each
7 defendant.” *Id.* at 829. (emphasis added and emphasis in original omitted).

8 Federal courts have an independent obligation to confirm that federal jurisdiction is
9 present, whether an objection on that ground is made or not. Fed.R.Civ.P. 12(b)(1); *Arbaugh*
10 *v. Y&H Corp.*, 546 U.S. 500, 126 S.Ct. 1235, 1240 (2006).

11 Accordingly,

12 IT IS ORDERED that this action is dismissed, without prejudice from filing this
13 action in a court that may properly hear the dispute, for lack of federal subject matter
14 jurisdiction. Fed.R.Civ.P. 12(b)(1). This action is terminated.

15 DATED this 7th day of May, 2008.

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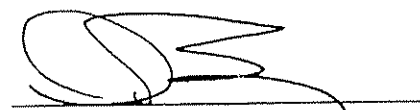
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David C. Bury
United States District Judge