

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

**DISCOVER PROPERTY & CASUALTY
INSURANCE COMPANY,**

Plaintiff,

v.

COLLECTIVE BRANDS, INC., et al.,

Defendants.

**CIVIL ACTION
No. 07-2577-KHV**

ORDER

Discover Property & Casualty Insurance Company brings suit against Collective Brands, Inc., Payless ShoeSource Worldwide, Inc. and Collective Licensing International, LLC (“Collective Licensing LLC”) for declaratory judgment regarding insurance coverage. On December 17, 2007, the Court ordered plaintiff to show cause why it should not dismiss the complaint for lack of subject matter jurisdiction because plaintiff did not allege the citizenship of each member of Collective Licensing LLC. See Order To Show Cause (Doc. #4).

In response to the show cause order, plaintiff states that it has filed an amended complaint which alleges the citizenship of each member of Collective Licensing LLC and demonstrates diversity jurisdiction. See Plaintiff’s Response To Order To Show Cause (Doc. #6) filed December 19, 2007 ¶¶ 3-5; see also First Amended Complaint For Declaratory Judgment And Other Relief (Doc. #5) filed December 19, 2007 ¶ 5. Under these circumstances, the Court will not dismiss plaintiff’s complaint at this time, on its own motion.

IT IS SO ORDERED.

Dated this 3rd day of January, 2007 at Kansas City, Kansas.

s/ Kathryn H. Vratil
Kathryn H. Vratil
United States District Judge