IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

ADRIENNE S. MARTS,

v.

Plaintiff,

AIMBRIDGE HOSPITALITY, L.P., et al.,

Defendants.

CIVIL ACTION

No. 08-2104-KHV

ORDER

Adrienne S. Marts brings suit against Aimbridge Hospitality, L.P. ("Aimbridge") and Land-Ron, Inc. alleging negligence and strict liability under state law. On March 17, 2008, the Court ordered plaintiff to show good cause in writing why it should not dismiss her claim for lack of subject matter jurisdiction. <u>See Order To Show Cause</u> (Doc. #3). Specifically, the Court noted that plaintiff had not properly alleged the citizenship of each general and limited partner of Aimbridge for purposes of establishing diversity jurisdiction under 28 U.S.C. § 1332. <u>See id.</u> at 2.

On March 18, 2008, before defendants answered, plaintiff filed her first amended complaint, <u>see</u> Fed. R. Civ. P. 15(a)(1)(A) (party may amend pleading once as matter of course before being served with responsive pleading), which alleged that Aimbridge's general and limited partners were all citizens of Texas or Colorado, <u>see First Amended Complaint</u> (Doc. #4) ¶ 3. This allegation creates diversity of citizenship with plaintiff – a citizen of Louisiana. <u>See id.</u> ¶ 2. The Court is now satisfied that plaintiff has sufficiently alleged diversity of citizenship and it therefore finds good cause why it should not dismiss the complaint for lack of subject matter jurisdiction.

IT IS SO ORDERED.

Dated this 26th day of March, 2008 at Kansas City, Kansas.

<u>s/ Kathryn H. Vratil</u> KATHRYN H. VRATIL United States District Court