

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

AGRI-SYSTEMS,)	
)	
v.)	CIVIL ACTION
)	
E CARUSO, LLC, et al.,)	No. 10-1313-KHV
)	
Defendants.)	
)	

MEMORANDUM AND ORDER

On September 15, 2010, Agri-Systems filed a complaint against E Caruso, L.L.C. and others. Plaintiff asserts diversity of citizenship as its sole basis for subject matter jurisdiction. See Complaint (Doc. #1) ¶ 1; 28 U.S.C. § 1332. On September 22, 2010, the complaint did not allege the citizenship of each of E Caruso's members and it therefore failed to properly allege subject matter jurisdiction. Accordingly, the Court ordered plaintiff to show good cause why its complaint should not be dismissed for lack of subject matter jurisdiction. This matter is before the Court on Plaintiff's Response To Court's Order To Show Cause (Doc. #6) filed September 30, 2010.

In response to the order to show cause, plaintiff notes that it has filed an amended complaint which alleges that all of E Caruso's members are citizens of the State of Kansas. Because plaintiff's amended complaint sufficiently alleges diversity of citizenship, plaintiff has shown good cause why its complaint should not be dismissed.

IT IS THEREFORE ORDERED that plaintiff has shown good cause why its complaint should not be dismissed for lack of subject matter jurisdiction.

Dated this 20th day of October, 2010 at Kansas City, Kansas.

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