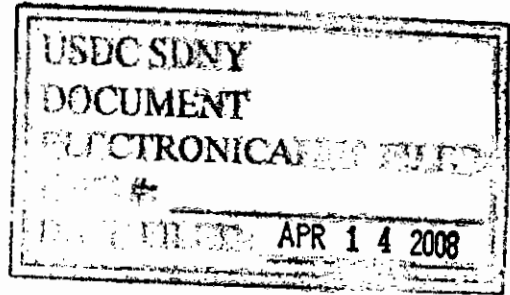


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
-----X



JEANA BARENBOIM, on behalf of herself  
and all others similarly situated,

Plaintiff,

-v-

No. 08 Civ. 3318 (LTS)

STARBUCKS CORP.,

Defendants.  
-----X

**ORDER**

WHEREAS, this action was commenced by the filing of a Complaint on April 3, 2008;  
and

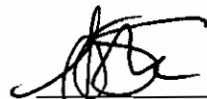
WHEREAS, the Court has reviewed such Complaint to ascertain the basis for assertion  
of subject matter jurisdiction in this court; and

WHEREAS, such Complaint asserts that the Court has jurisdiction based on diversity of  
citizenship (28 U.S.C. § 1332), but diversity jurisdiction pursuant to 28 U.S.C. § 1332(d) requires a  
demonstration that any member of the proposed class in a class action be a citizen of a state different  
from any defendant, and the Complaint alleges merely the residency of Ms. Barenboim and does not  
allege the citizenship of Ms. Barenboim or any other class member, named or unnamed; and

WHEREAS, "subject matter jurisdiction is an unwaivable *sine qua non* for the exercise  
of federal judicial power," E.R. Squibb & Sons v. Accident & Cas. Ins. Co., 160 F.3d 925, 929 (2d Cir.  
1998) (citation omitted), and Rule 12(h)(3) of the Federal Rules of Civil Procedure provides that "If the  
court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action;" it  
is hereby

ORDERED, that plaintiff shall, no later than **April 29, 2008**, file and serve a  
Supplement to the Complaint containing allegations sufficient to demonstrate a basis for subject matter  
jurisdiction in this Court or otherwise show cause in writing as to why this case should not be dismissed  
for lack of subject matter jurisdiction.

Dated: New York, New York  
April 14, 2008

  
\_\_\_\_\_  
LAURA TAYLOR SWAIN  
United States District Judge