

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH,
CENTRAL DIVISION

Robert Ryan Johnson, as executor and representative of the Estate of
Terrence Blair Hunter, et al. v. Standard Registrar and Transfer, a
Utah corporation, et al.

Johnson v. Standard Registrar and Transfer · No. 2:22-cv-00591-AMA-DBP · Decided February 24, 2026

SUMMARY

The United States District Court for the District of Utah resolved an order to show cause concerning Plaintiffs’ failure to establish subject-matter jurisdiction and denied Plaintiffs’ request for a Rule 16 conference. The court held that Plaintiffs must amend their complaint to adequately allege facts supporting diversity jurisdiction, limited the amendment to jurisdictional allegations, and directed Defendants to respond under Federal Rule of Civil Procedure 15(a)(3).

CASE DETAILS

COURT	United States District Court for the District of Utah, Central Division
WRITING FOR THE COURT	Ann Marie McIff Allen
JURISDICTION	United States District Court for the District of Utah, Central Division
DECIDED	February 24, 2026
DOCKET	2:22-cv-00591-AMA-DBP
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs requested a Rule 16 conference while the court was addressing an order to show cause concerning failure to prosecute and deficiencies in the allegations establishing diversity jurisdiction. Defendants Cede & Co. and The Depository Trust Company opposed the request.
STANDARD OF REVIEW	The court independently reviewed its subject-matter jurisdiction and applied the rule that the party invoking diversity jurisdiction bears the burden of proving jurisdiction by a preponderance of the evidence.
PRECEDENTIAL VALUE	Unpublished district court memorandum decision; precedential status unknown and not reported.
PARTIES	Robert Ryan Johnson, as executor and representative of the Estate of Terrence Blair Hunter, et al. v. Standard Registrar and Transfer, a Utah

TOPICS

subject matter jurisdiction

pleadings

civil procedure

motions to dismiss

commercial litigation

PRACTICE AREAS

Civil procedure

Federal subject-matter jurisdiction

Commercial litigation

QUESTIONS PRESENTED

1. Whether Plaintiffs had adequately established subject-matter jurisdiction based on diversity of citizenship.
2. Whether the court should hold a Rule 16 conference while the operative complaint failed to adequately allege subject-matter jurisdiction.
3. Whether Plaintiffs should be permitted to amend their complaint to correct the jurisdictional allegations.

HOLDINGS

1. Plaintiffs, as the parties invoking diversity jurisdiction, bear the burden of establishing its existence by a preponderance of the evidence, and the amended complaint failed to satisfy that burden by adequately alleging facts demonstrating subject-matter jurisdiction.
2. Plaintiffs were authorized to amend their jurisdictional allegations only; further amendment required a separate adequate motion. Because the operative complaint lacked adequate jurisdictional allegations, the court denied Plaintiffs' request for a Rule 16 conference at that time.

KEY QUOTATIONS

“Nonetheless, as the “party invoking diversity jurisdiction” Plaintiffs “bear[] the burden of proving its existence by a preponderance of the evidence.”” (Discussion)

“ORDERED that the Court’s Order to Show Cause is considered RESOLVED (ECF No. 104), although this order should not be construed, in any way, as relieving Plaintiffs of their burden to establish the Court’s subject-matter jurisdiction at each stage of this proceeding” (Order)

FACTUAL BACKGROUND

Plaintiffs amended their complaint to add Whitehall Trust, Tropical II Ventures, Ltd., Cede & Co., and The Depository Trust Company. The amended complaint failed to allege facts sufficient to establish diversity jurisdiction over the entire dispute, prompting the court to require information concerning the parties' citizenship. After reviewing the parties' responses and jurisdictional disclosures, the court concluded that the complaint itself needed to be amended to adequately plead the jurisdictional basis.

PROCEDURAL HISTORY

Plaintiffs filed an amended complaint adding parties, but did not initially serve two newly added defendants. After service and motion practice, the court denied those defendants' motion to dismiss as moot because the amended complaint did not adequately establish subject-matter jurisdiction. The court ordered jurisdictional disclosures and then considered Plaintiffs' request for a Rule 16 conference and the order to show cause. The court resolved the order to show cause, denied the Rule 16 request, authorized Plaintiffs to amend only their jurisdictional allegations, and directed Defendants to respond under Rule 15(a)(3).

DISPOSITION

other

CASES CITED

- Middleton v. Stephenson, 749 F.3d 1197, 1200 (10th Cir. 2014)
- United States v. Garcia, 74 F.4th 1073, 1093 n.9 (10th Cir. 2023)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/united-states-district-court-for-the-district-of-utah-central-division-united-states-district-court/2026/robert-ryan-johnson-as-executor-and-representative-of-the-3lmlq0yo>