Ford Motor Credit Company, LLC v. Prestridge, et al. Doc. 6

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

FORD MOTOR CREDIT COMPANY, LLC,	)	
Plaintiff,	)	
v.	)	CASE NO. 3:14-cv-89-MEF
	)	(WO - Do Not Publish)
JAMES CRAIG PRESTRIDGE, CATHERINE M. PRESTRIDGE,	)	
Defendants.	)	

O R D E R

On February 11, 2014, Plaintiff filed this matter in the Eastern Division of the United States District Court for the Middle District of Alabama, alleging diversity as the basis for federal jurisdiction. Because federal courts have only limited jurisdiction, part of the Court's review process requires the Court to determine whether a proper jurisdictional basis exists in each case. Thus, when a plaintiff files a claim in federal court, it is generally the plaintiff's burden to allege the specific facts necessary to establish jurisdiction. *See Morrison v. Allstate Indem. Co.*, 228 F.3d 1255, 1273 (11th Cir. 2000).

Plaintiff alleges that the Court has diversity jurisdiction over the matter. Pursuant to 28 U.S.C. § 1332, diversity jurisdiction requires the legal matter to exceed the sum or value of $75,000, exclusive of interest and costs, and be between citizens of different states. *See* 28 U.S.C. § 1332(a)(1).

Plaintiffs allege that jurisdiction is proper in this Court because there is diversity of

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citizenship of the parties and the amount in controversy is greater than $75,000. Plaintiff alleges that it is a Delaware limited liability company with its principal place of business and headquarters in Dearborn, Michigan. Plaintiff also alleges Defendants are citizens of Alabama.

For purposes of § 1332, the citizenship of a limited liability company, as an artificial, unincorporated entity, is determined by the citizenship of all the members composing the organization. *See Rolling Greens MHP, L.P. v. Comcast SCH Holdings L.L.C.*, 374 F.3d 1020, 1021–22 (11th Cir. 2004). Thus, a limited liability company is a citizen of any state of which a member of the company is a citizen. *Id.* at 1022. And, therefore, a limited liability company could be deemed a citizen of more than one state. To sufficiently allege the citizenship of a limited liability company, a party must identify the citizenship of all the members of the limited liability company. *Id.* In examining the jurisdictional allegations presented in the Complaint, the Court finds they are lacking, as Plaintiff failed to identify the citizenship of each of the members of Plaintiff Ford Motor Credit Company, LLC.

As a result of these deficiencies, the Court is unable to ascertain whether complete diversity of citizenship exists and, therefore, the Complaint fails to satisfy the prerequisites of subject matter jurisdiction. However, the Court is of the opinion that Plaintiff should be allowed to amend to correct the deficiencies. With regard to the LLC Plaintiff, this does not mean that Plaintiffs are to make a blanket statement that the members of the LLC are each citizens of a certain state. Plaintiffs are to identify each member of the LLC and provide his,

her, or its place of citizenship.

For the foregoing reasons, it is hereby ORDERED that, on or before March 21, 2014, Plaintiffs shall file an amended complaint that conforms to the findings of this Order. Failure to plead the necessary jurisdictional prerequisites in a timely manner will result in dismissal for lack of jurisdiction.

DONE this the 7th day of March, 2014.

/s/ Mark E. Fuller
UNITED STATES DISTRICT JUDGE