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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Equisource Capital Limited Company, an)
Arizona limited liability company,

No. CV 07-776-PHX-JAT

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Plaintiff,

ORDER

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vs.

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Benchmark Hospitality, Inc.,

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Defendants.

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Despite never citing the diversity statute,¹ Defendant purported to remove this case based on alleged diversity jurisdiction. However, Defendant failed to allege sufficient facts for this Court to determine whether there is complete diversity among the parties. Specifically, Plaintiff is a limited liability company.

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Unincorporated enterprises are analogized to partnerships, which take the citizenship of every general and limited partner. *Carden v. Arkoma Associates*, 494 U.S. 185 (1990). ... [L]imited liability companies are citizens of every state of which any member is a citizen.

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Belleville Catering Co. v. Champaign Market Place, L.L.C., 350 F.3d 691, 692 (7th Cir. 2003); *see also Johnson v. Columbia Properties Anchorage*, 437 F.3d 894, 899 (9th Cir. 2006).

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The only allegation made with respect to Plaintiff L.L.C. is "Plaintiff asserts that...it...is a limited liability company organized and existing under the laws of the State of

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¹ 28 U.S.C. § 1332.

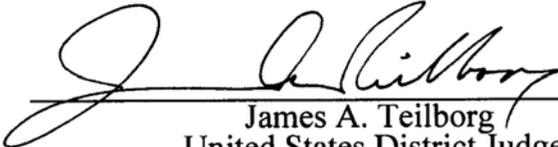
1 Arizona, with its principle place of business in Arizona." Doc. #1 at 2. This allegation is
2 insufficient because Defendant (as the parties asserting jurisdiction) must allege the
3 citizenship of each member of the L.L.C.

4 Additionally, "removal 'cannot be based simply upon conclusory allegations' where
5 the [complaint] is silent" as to the dollar amount of damages the plaintiff seeks. *Singer v.*
6 *State Farm Mut. Auto. Ins. Co.*, 116 F.3d 373, 377 (9th Cir. 1997) (citing *Allen v. R&H Oil*
7 *& Gas Co.*, 63 F.3d 1326, 1335 (5th Cir. 1995)). Thus, because the complaint is silent as to
8 the amount in controversy, the notice of removal must also correct this defective allegation.

9 Therefore,

10 **IT IS ORDERED** that by May 11, 2007, Defendant shall file an amended notice of
11 removal that corrects these jurisdictional deficiencies or this case will be remanded for lack
12 of federal subject matter jurisdiction.

13 DATED this 30th day of April, 2007.

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17 James A. Teilborg
18 United States District Judge
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