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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Andrew MacDonald; Optical Distributor)
Group, LLC,

No. CV 11-1831-PHX-JAT

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Plaintiffs/Counterdefendants,

ORDER

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vs.

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ABB/CON-CISE Optical Group, LLC,

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Defendant/Counterclaimant.

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“Inquiring whether the court has jurisdiction is a federal judge’s first duty in every case.” *Belleville Catering Co. v. Champaign Market Place, L.L.C.*, 350 F.3d 691, 693 (7th Cir. 2003). In this case, the Complaint pleads jurisdiction based on 28 U.S.C. § 1332, which is diversity. However, the Complaint fails to adequately allege the citizenship of the parties such that this Court can independently assess its jurisdiction.

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Specifically, limited liability companies take on the citizenship of their members. *Johnson v. Columbia Properties Anchorage, L.P.*, 437 F.3d 894, 899 (9th Cir. 2006). Because the Complaint fails to plead the citizenship of the membership of either of the limited liability companies, it fails to allege jurisdiction. Therefore,

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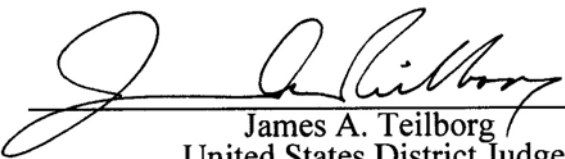
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IT IS ORDERED that Plaintiff must file a supplement to the complaint (*see* Fed. R. Civ. Pro 15(d)) by December 19, 2011, properly alleging federal subject matter jurisdiction, or this case will be dismissed, without prejudice.

DATED this 23rd day of November, 2011.



James A. Teilborg
United States District Judge