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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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PNC Equipment Finance, LLC,

No. CV 11-2038-PHX-JAT

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Plaintiff,

**ORDER**

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vs.

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James P. Piccolo and Mary Piccolo,

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Defendant.

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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 (7<sup>th</sup> 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 (9<sup>th</sup> Cir. 2006). Because the Complaint fails to plead the citizenship of the membership of the Plaintiff limited liability company, it fails to allege jurisdiction. Therefore,

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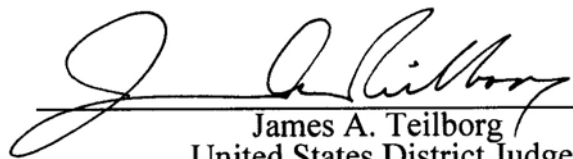
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**IT IS ORDERED** that Plaintiff must file an amended complaint by December 19, 2011, properly alleging federal subject matter jurisdiction, or this case will be dismissed, without prejudice.

DATED this 23rd day of November, 2011.

  
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James A. Teilborg  
United States District Judge