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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Raymond Kielsmeier,

10 Plaintiff,

11 v.

12 Penske Truck Leasing Company LP, et al.,

13 Defendants.
14

No. CV-16-08022-PCT-JAT

ORDER

15 On March 23, 2016, the Court issued the following order:

16 “Inquiring whether the court has jurisdiction is a federal judge’s first
17 duty in every case.” *Belleville Catering Co. v. Champaign Market Place,*
18 *L.L.C.*, 350 F.3d 691, 693 (7th Cir. 2003). In this case, the notice of
19 removal fails to sufficiently plead jurisdiction. *See* 28 U.S.C. § 1332;
Carden v. Arkoma Associates, 494 U.S. 185, 195-96 (1990) (discussing the
citizenship of limited partnerships).

20 Accordingly,

21 **IT IS ORDERED** that Defendant (as the removing party) shall file a
22 supplement to the notice of removal by April 1, 2016, properly alleging
23 diversity or this case will be remanded to state court.

24 Doc. 13.

25 At the Rule 16 conference on March 23, 2016, the Court discussed at length that
26 limited partnerships, *like limited liability companies*, take on the citizenship of all of their
27 members. Further that is the holding of *Belleville Catering*, cited in the above quoted
28 Order. *See also Johnson v. Columbia Properties Anchorage*, 437 F.3d 894, 899 (9th Cir.
2006).

When Defendant filed its supplement to properly and fully allege jurisdiction,

1 Defendant disclosed that the general partner of Defendant is a limited liability company.
2 However, Defendant did not undertake to list all the members of this limited liability
3 company. Therefore, the notice of removal, as supplemented, still fails to allege
4 sufficient information to determine whether this Court has diversity jurisdiction.

5 As this Court's above quoted Order stated, having given Defendant two
6 opportunities to plead jurisdiction, the Court will remand this case for failure to allege
7 sufficient facts to establish diversity jurisdiction. Accordingly,

8 **IT IS ORDERED** that this case is remanded to the Mohave County Superior
9 Court.

10 Dated this 1st day of April, 2016.

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James A. Teilborg
Senior United States District Judge