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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 09-4267 AHM (AGR _x)	Date	July 1, 2009
Title	JOHN G. FINTLAND, et al. v. LUXURY MARINE GROUP, LLC, et al.		

Present: The Honorable	A. HOWARD MATZ, U.S. DISTRICT JUDGE
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S. Eagle

Not Reported

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys **NOT** Present for Plaintiffs:Attorneys **NOT** Present for Defendants:

Proceedings: IN CHAMBERS (No Proceedings Held)

On June 15, 2009, Plaintiffs filed this action based on diversity jurisdiction under 28 U.S.C. § 1332. Complaint ¶ 4. However, diversity jurisdiction is not evident from the face of the Complaint.

A federal court must determine its own jurisdiction even if there is no objection to it. *Rains v. Criterion Sys., Inc.*, 80 F.3d 339 (9th Cir. 1996). Jurisdiction must be determined from the face of the complaint. *Caterpillar, Inc. v. Williams*, 482 U.S. 386, 392 (1987). A federal court has original jurisdiction over a civil matter “where the matter in controversy exceeds the sum or value of \$75,000, . . . and is between . . . citizens of different State.” 28 U.S.C. § 1332(a). A “corporation [is] deemed to be a citizen of any State by which it has been incorporated and of the State where it has its principal place of business” *Id.* at 1332(c)(1). However, to determine the citizenship of a non-corporate entity, the citizenship of all of the members or partners is relevant. *Carden v. Arkoma Assoc.*, 494 U.S. 185, 195-196 (1990) (holding that, for the purpose of diversity jurisdiction, the citizenship of a limited partnership is determined by the citizenship of each of the partners). This is true for all non-corporate entities, whether they be unincorporated associations, limited liability companies, or limited liability partnerships. *See United Steelworkers of Am. v. R.H. Bouligny, Inc.*, 382 U.S. 145, 153 (1965); *Kuntz v. Lamar Corp.*, 385 F.3d 1177, 1182-83 (9th Cir. 2004). Therefore, if one member of the limited liability corporation is a citizen of the same state as one of the plaintiffs, complete diversity does not exist. *See Carden*, 494 U.S. at 192.

To establish citizenship for diversity purposes, a person must be both (1) a citizen of the United States, and (2) be domiciled in the state. *Kantor v. Wellesley Galleries, Ltd.*, 704 F.2d 1088, 1090 (9th Cir. 1983). A person’s domicile is his permanent home,

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where he resides with the intention to remain or to which he intends to return. *Kanter v. Warner-Lambert Co.*, 265 F.3d 853, 857 (9th Cir. 2001). A person residing in a given state is not necessarily domiciled there and thus is not necessarily a citizen of that state. *Id.*.

In this case, Plaintiffs’ complaint fails to allege the citizenship of any plaintiff; instead, the complaint only alleges that the individual plaintiffs and the members of Plaintiff JG Asset Company, a limited liability company, are “resident[s]” of California. Complaint ¶ 2. Plaintiffs also fail to properly plead the citizenship of at least four Defendants because the Complaint alleges that these Defendants are “limited liability compan[ies],” but does not allege the citizenship of these companies’ members. *Id.* ¶ 2-3. Thus, Plaintiff’s allegations do not conclusively establish diversity jurisdiction.

Accordingly, and good cause appearing therefor, the Court hereby ORDERS Plaintiff TO SHOW CAUSE on or before **July 13, 2009**, why this action should not be dismissed for lack of diversity jurisdiction.

Failure to respond on or before that date will be construed as consent to dismissal.

Initials of Preparer _____ : _____
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