

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 17-0828 FMO (AFMx)	Date	April 10, 2017
Title	Kourtnei Nicole Beebe v. Nutribullet, L.L.C.		

Present: The Honorable	Fernando M. Olguin, United States District Judge		
Vanessa Figueroa	None		
Deputy Clerk	Court Reporter / Recorder	Tape No.	
Attorney Present for Plaintiff(s):	Attorney Present for Defendant(s):		
None Present	None Present		

Proceedings: (In Chambers) Order to Show Cause Re: Jurisdiction

On February 1, 2017, plaintiff Kourtnei Nicole Beebe (“plaintiff”) filed a complaint in this court against Nutribullet, L.L.C. (“Nutribullet”), asserting various state-law claims. (See Dkt. 1, Complaint). Subject matter jurisdiction is predicated on diversity of citizenship pursuant to 28 U.S.C. § 1332. (See *id.* at ¶ 5). The Complaint alleges that plaintiff is a citizen of New York, (see Dkt. 1, Complaint at ¶ 1), and that Nutribullet is “California Limited Liability Corporation[.]” (*Id.* at ¶ 2).

Limited liability companies (“LLCs”) are treated like partnerships rather than corporations and are deemed “a citizen of every state of which its owners/members are citizens.” *Johnson v. Columbia Props. Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006); see *Grupo Dataflux v. Atlas Global Grp., L.P.*, 541 U.S. 567, 569, 124 S.Ct. 1920, 1923 (2004) (“[A] partnership . . . is a citizen of each State or foreign country of which any of its partners is a citizen.”). “There is no such thing as ‘a [state name] limited partnership’ for purposes of diversity jurisdiction. There are only partners, each of which has one or more citizenships.” *Hart v. Terminex Int’l*, 336 F.3d 541, 544 (7th Cir. 2003) (internal quotation marks omitted). Moreover, “[a]n LLC’s principal place of business [or] state of organization is irrelevant” for purposes of diversity jurisdiction. See *Buschman v. Anesthesia Business Consultants LLC*, 42 F.Supp.3d 1244, 1248 (N.D. Cal. 2014); *Tele Munchen Fernseh GmbH & Co Produktionsgesellschaft v. Alliance Atlantis Int’l Distribution, LLC*, 2013 WL 6055328, *4 (C.D. Cal. 2013) (“As a limited liability company, [defendant]’s principal place of business is irrelevant for purposes of diversity jurisdiction.”). If a member of an LLC is a corporation, then the state of incorporation and its principal place of business must be shown.

Because it appears that plaintiff has not adequately set forth Nutribullet’s citizenship, the court cannot determine whether it has subject matter jurisdiction. However, because Nutribullet has already appeared in this action, (see, e.g., Dkt. 13, Stipulation to Extend Time to Respond to Initial Complaint), and it is in a better position to demonstrate its own citizenship, IT IS ORDERED that no later than **April 17, 2017**, Nutribullet shall file a Declaration Re: Citizenship, under penalty of perjury, setting forth the citizenship of its owners and members. Among other things, Nutribullet

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shall identify the citizenship of **each** of its partners, members, and owners.

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vdr