

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No. **CV 17-2371 FMO (SKx)** Date **April 11, 2017**

Title **International Fruit Genetics, LLC, v. Okran 38 (Pty) LTD, et al.**

Present: The Honorable **Fernando M. Olguin, United States District Judge**

**Vanessa Figueroa**

**None**

**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 March 27, 2017, plaintiff International Fruit Genetics, LLC ("plaintiff") filed a complaint in this court against Okran 38 (Pty) Ltd, Anytime Investments, No. 2 CC, and Pieter Eduard Retief Redelinghuys (collectively, "defendants"), asserting state-law claims and a claim under the Declaratory Judgment Act, 28 U.S.C. § 2201. (See Dkt. 1, Complaint). Subject matter jurisdiction is predicated on diversity of citizenship pursuant to 28 U.S.C. § 1332. (See *id.* at ¶ 3).

The Complaint alleges that plaintiff is a limited liability company, with its principal place of business in Bakersfield, California (see Dkt. 1, Complaint at ¶ 5), and that defendants are a "private company[,] a "close corporation[,] and an individual citizen of South Africa. (Id. at ¶¶ 6-8). Plaintiff, however, has not set forth the citizenship of its members. (See, generally, *id.* at ¶ 5).

Limited liability companies 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 plaintiff has not adequately set forth its citizenship, the court cannot determine whether it has subject matter jurisdiction. Therefore, IT IS ORDERED that no later than **April 17, 2017**, plaintiff shall file a Declaration Re: Citizenship setting forth its citizenship. Among other

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

Initials of Preparer 00 : 00  
vdr