

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **CV 17-3358-DMG (AFMx)** Date **October 16, 2017**

Title ***Tiffany Burton, et al. v. Nutribullet, L.L.C., et al.*** Page **1 of 2**

Present: The Honorable **DOLLY M. GEE, UNITED STATES DISTRICT JUDGE**

KANE TIEN

Deputy Clerk

NOT REPORTED

Court Reporter

Attorneys Present for Plaintiff(s)
None Present

Attorneys Present for Defendant(s)
None Present

Proceedings: IN CHAMBERS - ORDER RE PLAINTIFFS' RESPONSE TO ORDER TO SHOW CAUSE

On October 5, 2017, the Court issued an Order to Show Cause (“OSC”) why this action should not be dismissed because of Plaintiffs’ failure to adequately plead jurisdiction under 28 U.S.C. § 1332(a), given that they had not alleged the citizenship of all of Defendant Nutribullet, L.L.C.’s owners and/or members. [Doc. # 32.] On October 12, 2017, Plaintiffs’ counsel filed a declaration in response to the OSC that does not supply the citizenship of Defendant’s members and/or owners (“Lavine Decl.”). [Doc. # 34.] Rather, Plaintiffs’ counsel merely reiterates the Complaint’s allegations that Defendant “is a Limited Liability Corporation (sic) with its principal office in Los Angeles, California.”¹ See Lavine Decl. at ¶ 7 (alteration in original) (quoting Compl. at ¶ 2).

Plaintiffs bear the burden of pleading facts sufficient to establish this Court’s subject matter jurisdiction. See Fed. R. Civ. P. 8(a)(1). In the absence of any allegations or evidence on the citizenship of Defendant Nutribullet, L.L.C.’s owners and/or members, the Court cannot conclude that Plaintiffs have properly invoked its diversity jurisdiction. See *Johnson v. Columbia Props. Advantage, LP*, 437 F.3d 894, 899 (9th Cir. 2006) (“We . . . hold that, like a partnership, an LLC is a citizen of every state of which its owners/members are citizens.”).

Nonetheless, Plaintiffs’ failure to allege complete diversity may be attributed solely to their misunderstanding of the law. See Lavine Decl. at ¶ 14 (“In the event this declaration does not satisfy the Court’s concerns regarding subject matter jurisdiction, Plaintiffs request clarification from the Court regarding why complete diversity does not exist in this action.”). Therefore, the Court will afford Plaintiffs one final opportunity to provide an adequate response to the OSC. Plaintiffs are **ORDERED TO SHOW CAUSE** in writing by **October 23, 2017** why this action should not be dismissed for lack of subject matter jurisdiction. In order to be

¹ The declaration clarifies that Defendant is a “California limited liability *company* with its principal office in Los Angeles, California.” See Lavine Decl. at ¶ 6 (emphasis added).

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deemed adequate, **Plaintiffs’ response will need to provide the citizenship of each of Defendant Nutribullet, L.L.C.’s owners and/or members.**

IT IS SO ORDERED.