

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIACIVIL MINUTES—GENERAL

Case No. **CV 21-04236-MWF (JPRx)** Date: **June 7, 2021**
Title: Williamsburg National Insurance Co. v. Rivera Trucking, LLC et al.
Present: The Honorable MICHAEL W. FITZGERALD, U.S. District Judge

Deputy Clerk:
Rita Sanchez

Court Reporter:
Not Reported

Attorneys Present for Plaintiff:
John E. Peer, Ira D. Goldberg

Attorneys Present for Defendant:
None Present

Proceedings (In Chambers): ORDER TO SHOW CAUSE RE: SUBJECT-MATTER JURISDICTION

Plaintiff Williamsburg National Insurance Company initiated this action on May 20, 2021, seeking relief against Defendants Rivera Trucking, LLC, and Ohio Security Insurance Company for declaratory relief, equitable contribution, equitable subrogation, and recoupment. (*See generally* Complaint (Docket No. 1)). Plaintiff attempts to invoke this Court's diversity jurisdiction pursuant to 28 U.S.C. § 1332. (Complaint ¶ 1).

“[F]ederal courts have an independent obligation to ensure that they do not exceed the scope of their jurisdiction.” *Henderson ex rel. Henderson v. Shinseki*, 562 U.S. 428, 434 (2011) (assessing whether a provision of a federal statute had jurisdictional consequences).

Jurisdiction under § 1332 requires that the amount in controversy exceed \$75,000 and that the parties meet the complete diversity rule. 28 U.S.C. § 1332(a); *Newman-Green, Inc. v. Alfonzo-Larrain*, 490 U.S. 826, 829 (1989). For complete diversity to exist, the state citizenship of every plaintiff must differ from the state citizenship of every defendant. *Newman-Green*, 490 U.S. at 829. In the case of limited liability companies, the company is considered a citizen of every state of which its owners or members are citizens. *Johnson v. Columbia Props. Anchorage, LP*, 437 F.3d 894, 889 (9th Cir. 2006) (“We . . . join our sister circuits and hold that, like a partnership, an LLC is a citizen of every state of which its owners/members are citizens.”).

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The Complaint does not specify the citizenship of the owners or members of Defendant Rivera Trucking, LLC (“Rivera”). (Complaint ¶¶ 4). Instead, Plaintiff asserts that Rivera is incorporated in California, with principal place of business located in Chino, California. (*Id.*). Plaintiff must identify the citizenships of all of Rivera’s owners or members. Without such information, the Court cannot determine whether the complete diversity requirement has been met.

Accordingly, Plaintiff is **ORDERED TO SHOW CAUSE**, in writing, on or before **June 18, 2021**, why this action should not be dismissed for lack of subject-matter jurisdiction. Plaintiff’s failure to respond by the above date will result in dismissal of the action without prejudice.

IT IS SO ORDERED.