

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

<b>Case No.</b>	<b>CV 21-7181 FMO (JCx)</b>	<b>Date</b>	<b>January 11, 2022</b>
<b>Title</b>	<b>Jana Smith v. Mark Simon, et al.</b>		

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

Gabriela Garcia

None Present

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

None Present

None Present

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

On or about September 7, 2021, pro se plaintiff Jana Smith (“plaintiff”) filed a Complaint against defendants Mark Simon (“Simon”), doing business as NORI Neutraceuticals, and Nutritional Oncology Research Institute LLC (“NORI LLC”). (See Dkt. 1, Complaint at ¶¶ 2-3).

When federal subject matter jurisdiction is predicated on diversity of citizenship pursuant to 28 U.S.C. § 1332(a), complete diversity must exist between the opposing parties. See Caterpillar Inc. v. Lewis, 519 U.S. 61, 68, 117 S.Ct. 467, 472 (1996) (stating that the diversity jurisdiction statute “applies only to cases in which the citizenship of each plaintiff is diverse from the citizenship of each defendant”). “[T]he party seeking to invoke the district court’s diversity jurisdiction always bears the burden of both pleading and proving diversity jurisdiction.” Rainero v. Archon Corp., 844 F.3d 832, 840 (9th Cir. 2016) (quoting NewGen, LLC v. Safe Cig, LLC, 840 F.3d 606, 613-14 (9th Cir. 2016)).

To properly plead diversity jurisdiction “with respect to a limited liability company, the citizenship of all its members must be pled.” NewGen, 840 F.3d at 611. A limited liability company (“LLC”) “is 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 also Carden v. Arkoma Assocs., 494 U.S. 185, 195-96, 110 S.Ct. 1015, 1021 (1990) (“We adhere to our oft-repeated rule that diversity jurisdiction in a suit by or against the entity depends on the citizenship of all the members[.]”) (internal quotation marks omitted). Here, plaintiff’s Complaint alleges that NORI LLC “is a California corporation registered to [Simon’s] home address in Ventura County.” (Dkt. 1, Complaint at ¶ 3). Because plaintiff did not explain who the members of the LLC are and their state of citizenship, (see, generally, id. at ¶¶ 1-4), the court cannot determine whether it has subject matter jurisdiction.

Based on the foregoing, IT IS ORDERED that:

1. Plaintiff shall file a First Amended Complaint no later than **January 31, 2022**, that sets forth the name and citizenship of each member of defendant Nutritional Oncology Research Institute LLC.

