

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JS-6

CIVIL MINUTES -- GENERAL

Case No. **EDCV 13-937-MWF (SPx)**

Date: **June 28, 2013**

Title: St. Paul Fire and Marine Insurance Company, et al. -v- Taylor Morrison of California, LLC, et al.

PRESENT: HONORABLE MICHAEL W. FITZGERALD, U.S. DISTRICT
JUDGE

Rita Sanchez
Courtroom Deputy

None Present
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFFS:

ATTORNEYS PRESENT FOR DEFENDANTS:

None Present

None Present

PROCEEDINGS (IN CHAMBERS): ORDER DISMISSING ACTION
WITHOUT PREJUDICE FOR LACK OF
SUBJECT MATTER JURISDICTION

On May 22, 2013, Plaintiffs St. Paul Fire and Marine Insurance Company and St. Paul Mercury Insurance Company (“St. Paul”) filed this action against Defendants Taylor Morrison of California, LLC, and Taylor Morrison Services, Inc. (“Taylor Morrison”). (Docket No. 1). On June 10, 2013, the Court issued an Order to Show Cause Re: Subject Matter Jurisdiction. (Docket No. 5). On June 24, 2013, St. Paul filed its Response. (Docket No. 7).

St. Paul asserts subject matter jurisdiction on the basis of diversity of citizenship pursuant to 28 U.S.C. § 1332. The Complaint fails to allege the citizenship of every partner or member for Taylor Morrison of California, LLC. (*See* Docket No. 5 (citing cases)). The Complaint alleges only that Taylor Morrison of California, LLC, is a “limited liability company, existing under the laws of the State of California, with its principal place of business in California.” (Compl. ¶ 3).

In its Response (at 3), St. Paul argues only that Taylor Morrison of California, LLC, is a “wholly-owned subsidiary” of Taylor Morrison Communities, Inc. Even assuming that Taylor Morrison Communities, Inc. is the sole member of Taylor Morrison of California, LLC – which is not explicitly

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alleged in the Response – neither the Complaint nor the Response adequately alleges the citizenship of Taylor Morrison Communities, Inc.

According to the Response (at 3), Taylor Morrison Communities, Inc., “is a citizen of the State of Delaware, where it was incorporated.” But, as the Response acknowledges, a corporation is a citizen of its state of incorporation and of the state where it has its principal place of business. 28 U.S.C. § 1332(c)(1). Neither the Complaint nor the Response alleges where Taylor Morrison Communities, Inc. has its principal place of business.

Consequently, St. Paul has failed to demonstrate that the Court has subject matter jurisdiction over this action based on diversity of citizenship.

Accordingly, this action is hereby **DISMISSED WITHOUT PREJUDICE**. If St. Paul adequately can allege subject matter jurisdiction, it can re-file this lawsuit in this Court.

IT IS SO ORDERED.