
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:11-CV-00046-JST (RNBx)

Date: January 27, 2011

Title: Blackstone Equipment Financing, L.P. v. Maietta Foundations, Inc. et al.

Present: **Honorable JOSEPHINE STATON TUCKER, UNITED STATES DISTRICT JUDGE**

Ellen Matheson
Deputy Clerk

N/A
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF: ATTORNEYS PRESENT FOR DEFENDANT:

Not Present

Not Present

PROCEEDINGS: (IN CHAMBERS) ORDER TO SHOW CAUSE

The Court may raise the issue of subject matter jurisdiction at any time, sua sponte. *See U.S. Catholic Conference v. Abortion Rights Mobilization*, 487 U.S. 72, 79 (1988). If “the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.” Fed. R. Civ. P. 12(h)(3).

In the First Amended Complaint, Plaintiff Blackstone Equipment Financing, L.P. alleges federal subject matter jurisdiction on the basis of diversity jurisdiction under 28 U.S.C. § 1332(a). (FAC ¶ 1.) Plaintiff alleges that Defendant M7 Properties is a limited liability company. (FAC ¶ 7.) However, Plaintiff attempts to establish Defendant M7 Properties’ citizenship by its “principal place of business” and its “domicile.” (*Id.*) This is not the standard for establishing citizenship of limited liability companies. Like a partnership, a limited liability company is deemed to have the citizenship of each of its members. *Johnson v. Columbia Props. Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006). Therefore, to establish diversity jurisdiction, Plaintiff needs to establish the citizenship of all members of the limited liability company. Plaintiff failed to do this with respect to Defendant M7 Properties.

For the reason set forth, the Court orders that Plaintiff shall show cause as to why the Court should not dismiss the case for lack of subject matter jurisdiction. Plaintiff shall submit a written response no later than February 7, 2011. Failure to timely respond will result in immediate dismissal of this action.

Initials of Preparer: nkb