

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. SACV 12-311 JVS (RNBx) Date March 15, 2012

Title Spizzirri v. JP Morgan Chase Bank

Present: The Honorable James V. Selna

Karla J. Tunis

Not Present

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: (In Chambers) Order to Show Cause re Initial Amended Complaint

On March 1, 2012, the Court directed Ileana Spizzirri (“Spizzirri”) to file an amended pleading providing information concerning the members of JP Morgan Securities, LLC and EMC Mortgage, LLC. (Docket No. 4.) The Court indicated that the information was necessary to determine if Spizzirri had properly invoked diversity jurisdiction under 28 U.S.C. § 1332.

The Initial Amended Complaint is insufficient.

With respect to JP Morgan Securities, LLC, the Initial Amended Complaint simply states that “[a]ll of the membership interests in JP Morgan Securities, LLC . . . are owned solely by Defendant JP Morgan Chase.” (Initial Amended Complaint, ¶ 5.) This is non-responsive because it does not tell the Court who the members are.

With respect to EMC Mortgage, LLC, the Initial Amended Complaint simply states that “[a]ll of the membership interests in Defendant EMC are solely owned by BSLLC.” (Id., ¶ 6.) This is similarly non-responsive because it does not tell the Court who the members are.

In its order of March 1, 2012, the Court failed to ask for additional information concerning another limited liability company, The Bear Stearns Companies, LLC. The Initial Amended Complaint states that “[a]ll of the membership interests are wholly owned by JP Morgan Chase.” (Id., ¶ 4.) This is insufficient.

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The Court repeats its earlier request:

Spizzirri is ordered to file an amended initial pleading within 15 days identifying each member of each alleged LLC and the member's citizenship and principal place of business as the date of the filing of the initial pleading. If any member is itself an LLC, the same information shall be provided for each subtier member, and if need be, for each successive subtier.

(Docket No. 4, p. 2; emphasis supplied.) This renewed request includes The Bear Stearns Companies, LLC.

A failure to respond will result in dismissal of the action for lack of jurisdiction.

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