

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. SACV 13-1045 JVS (RNBx) Date August 9, 2013

Title Phi Applied Physical Sciences, Inc. V. Chromx

Present: The Honorable James V. Selna

Karla J. Tunis
Deputy Clerk

Not Present
Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: (In Chambers) Order to Show Cause re Jurisdiction

The Court has made a preliminary review of the jurisdictional allegations in the:

X Complaint, filed July 15, 2013

Notice of Removal (“Notice”) filed

by Phi Applied Physical Sciences, Inc. (“Phi Applied”).

The initial pleading invokes jurisdiction Court on the basis of diversity of citizenship, 28 U.S.C. § 1332. (Complaint, ¶ 1 .) Jurisdiction on this basis requires complete diversity.

The following parties to the action are alleged to be a limited liability companies (“LLC”):

Chromx

For purposes of diversity jurisdiction, an LLC takes on the citizenship of each of its members. Johnson v. Columbia Properties Anchorage , LP, 437 F.3d 894, 899 (9th Cir. 2006); Cosgrove v. Bartolotta, 150 F.3d 729, 731 (7th Cir. 1998); Keith v. Black Diamond Advisors, Inc., 48 F. Supp. 2d 326, 329-30 (S.D. N.Y. 1999). In order to determine diversity, the Court must consider the citizenship of each LLC member, and if a member is an LLC, the citizenship of its members. Presently, the Court cannot tell if jurisdiction has been properly invoked.

