

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	SACV 15-1027 AG (JEMx)	Date	July 13, 2015
Title	INTERNATIONAL INFORMATION SYSTEMS v. ESI ERGONOMIC SOLUTIONS, LLC		

Present: The Honorable ANDREW J. GUILFORD

Lisa Bredahl	Not Present	
Deputy Clerk	Court Reporter / Recorder	Tape No.
Attorneys Present for Plaintiffs:	Attorneys Present for Defendants:	

**Proceedings:** [IN CHAMBERS] ORDER TO SHOW CAUSE RE SUBJECT MATTER JURISDICTION

Plaintiff International Information Systems (“Plaintiff”) filed a complaint in state court seeking to allege claims for breach of contract, misappropriation of trade secrets, and unjust enrichment concerning an agreement between Plaintiff and ESI Ergonomic Solutions, LLC (“Defendant”). (“Complaint,” Dkt. No. 1-1, at 1.)

Courts have diversity jurisdiction over cases where there is complete diversity of parties and the amount in controversy exceeds \$75,000. *See* 28 U.S.C. § 1332. A defendant may remove an action to federal court on the basis of diversity jurisdiction “provided that no defendant ‘is a citizen of the State in which such action is brought.’” *Caterpillar Inc. v. Lewis*, 519 U.S. 61, 68 (1996) (quoting 28 U.S.C. § 1441(b)). If a defendant is a limited liability company (“LLC”), it “is a citizen of every state of which its owners/members are citizens.” *Johnson v. Columbia Properties Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006). Defendant is an LLC but fails to provide the citizenship of its members.

Defendant asserts that it is a citizen of Arizona because its two members are “residents” of the state. (Notice of Removal, Dkt. No. 4, at 4.) But a “natural person’s state citizenship is . . . determined by her state of domicile, not her state of residence.” *Kanter v. Warner-Lambert Co.*, 265 F.3d 853, 857 (9th Cir. 2001). Defendant must establish the citizenship of its members before the Court can determine whether diversity jurisdiction exists.

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Accordingly, the Court ORDERS Defendant to show cause in writing within 14 days of this Order explaining why this action should not be remanded. Defendant's filing should show that complete diversity exists. Plaintiff may submit a response within seven days of Defendant's filing. Alternatively, Defendant may stipulate to remand.

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Initials of Preparer

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