UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. SACV 16-2077 JVS (KESx)

Date December 21, 2016

 Title
 Gutierrez v. Carmax Auto Services Superstores California, LLC

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 Lack of Jurisdiction

The Court has made a preliminary review of the jurisdictional allegations

X Complaint, filed November 18, 2016

Notice of Removal ("Notice") filed

by Esther Gutierrez et al. ("Plaintiffs").

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

The following party to the action is alleged to be limited liability companies ("LLCs"):

Carmax Auto Services Superstores California, LLC

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

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tell if jurisdiction has been properly invoked.

Plaintiffs are ordered to file an amended initial pleading within ten 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.

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

Initials of Preparer

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