

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 in the:

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, ¶ 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 (9<sup>th</sup> Cir. 2006); Cosgrove v. Bartolotta, 150 F.3d 729, 731 (7<sup>th</sup> 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

