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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION**

**FAST TRAK INVESTMENT COMPANY,
LLC, a limited liability company,**

Plaintiff,

v.

**THERESA AND STEPHEN WHITE, a
married couple; LAWRENCE MOY,
individually and as a partner of the MOY &
FERNANDEZ LAW GROUP, and
principal for the Law Office of Lawrence A.
Moy, Esq.; NORMAN G. FERNANDEZ,
individually and as a partner of the MOY &
FERNANDEZ LAW GROUP, and as
principal for The Law Offices of Norman
G. Fernandez; MOY & FERNANDEZ
LAW GROUP, a law partnership; DOES
1-10, inclusive; BLACK PARTNERSHIPS
1-10, inclusive; WHITE CORPORATIONS
1-10, inclusive,**

Defendants.

Case No.: SACV 17-00890-CJC(KESx)

**ORDER DISMISSING WITHOUT
PREJUDICE FOR FAILURE TO PLEAD
SUBJECT MATTER JURISDICTION**

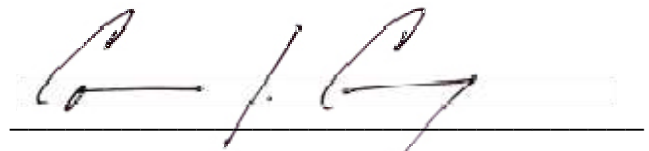
On May 22, 2017, Plaintiff Fast Track Investment Company, LLC, filed this case alleging five causes of action against Defendants Theresa and Stephen White, Lawrence

1 Moy, Norman G. Fernandez, and Moy & Fernandez Law Group, including breach of
2 contract, breach of fiduciary duty, constructive fraud, and unjust enrichment. (See Dkt. 1
3 [Complaint, hereinafter “Compl.”].) Plaintiff’s Complaint asserts that this Court has
4 subject matter jurisdiction based on diversity of the parties. (*Id.* ¶¶ 1–4.)
5

6 A district court has original “diversity” subject matterV jurisdiction over all “civil
7 actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive
8 of interests and cost,” and the action is “between citizens of different States.” 28 U.S.C.
9 § 1332(a)(1). The district court has jurisdiction only if there is “complete diversity”
10 between the parties, meaning that each plaintiff is a citizen of a different state than each
11 defendant. *See id.*; *Caterpillar Inc. v. Lewis*, 519 U.S. 61, 68 (1996) (citing *Strawbridge*
12 *v. Curtiss*, 3 Cranch. 267) (1806)).
13

14 The Complaint seems to rely on 28 U.S.C. § 1332(c)(1), which states that, “a
15 corporation shall be deemed to be a citizen of any state by which it has been incorporated
16 and of the State where it has its principal place of business.” (*See* Compl. ¶ 5.) However,
17 Plaintiff is not a corporation, but rather is a limited liability company. (*Id.*) Citizenship
18 of a limited liability company is determined not by incorporation and by principal place
19 of business, but rather by the citizenship of its members. *Carden v. Arkoma Assocs.*, 494
20 U.S. 185, 195–96 (1990). By failing to properly plead its citizenship, Plaintiff has failed
21 to plead diversity jurisdiction. The Court *sua sponte* **DISMISSES** this action
22 **WITHOUT PREJUDICE**. *See* Fed. R. Civ. P. 12(h)(3).
23

24 DATED: June 9, 2017



25
26 CORMAC J. CARNEY
27 UNITED STATES DISTRICT JUDGE
28