

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. SACV 17-02021 JVS (KESx) Date November 29, 2017

Title Hart v. Marriot International Inc

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:

Complaint, filed

Notice of Removal (“Notice”) filed November 17, 2017

by Marriot International, Inc. *et al.* (collectively “Marriot”).

The initial pleading invokes jurisdiction Court on the basis of diversity of citizenship, 28 U.S.C. § 1332. (Notice, ¶ 3 .) Jurisdiction on this basis requires complete diversity.

Starwood Hotels & Resorts Worldwide, LLC (“Starwood LLC”) has appeared as the party formerly known as Starwood Hotels & Resorts Worldwide, Inc. (*Id.*) As noted below, for citizenship purposes, a limited liability company takes on the citizenship of its members. The Notice discloses that Starwood LLC’s sole member is Mars Merger Sub, LLC (“Mars”). However, no further information is provided with regard to the members of Mars and their citizenship.

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,

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and if a member is an LLC, the citizenship of its members. Presently, the Court cannot tell if jurisdiction has been properly invoked.

Marriot is ordered to file an amended initial pleading within 15 days identifying each member of Mars 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 remand of the case to the Superior Court of the State of California for lack of jurisdiction.

Initials of Preparer _____ : _____ 00
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