

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

United States District Court
For the Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

No. C-08-5100 MHP

MANJEET SINGH,
Plaintiff(s),
vs.

**ORDER TO SHOW
CAUSE RE
REMOVAL**

PROGRESSIVE WEST INSURANCE COMPANY,
UNITED FINANCIAL CASUALTY COMPANY,
VFS US LLC, et al.,
Defendant(s).
_____ /

Defendants removed this action to this court based upon diversity jurisdiction alleging that two of them are “Ohio corporations with their principal place of business in Ohio” and that the third, VFS US LLC, is a Delaware limited liability company with its principal place of business in North Carolina. It is axiomatic that all defendants must be diverse from plaintiff, who in this case is alleged to be a citizen of California.

However, defendant VFS US LLC is not a corporation for the purpose of diversity jurisdiction (and for many other purposes); it is a limited liability company. The law in this and other circuits is clear: citizenship for limited liability corporations is determined by the citizenship of its members. See, e.g., Johnson v. Columbia Properties Anchorage, LP, 437 F.3d 894, 899 (9th Cir. 2006). The notice of removal is deficient in that it fails to identify the members of VFS US LLC and fails to allege the citizenship of its members.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Therefore, defendants are ordered to show cause in writing within ten (10) days of the filing of this order why this action should not be remanded to the Superior Court for the County of Contra Costa, from which it was removed, for failure to properly allege diversity jurisdiction. If plaintiffs wish to file a response, they shall file same within twenty (20) days of this order.

IT IS SO ORDERED.

Date: February 19, 2008



MARILYN HALL PATEL
United States District Court
Northern District of California