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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ELAINE MENDENHALL and JOHN
MENDENHALL, III,

Plaintiffs,

v.

JP MORGAN CHASE BANK, et al.,

Defendants.

No. C-10-5302 MMC

**ORDER DIRECTING DEFENDANT WCS
LENDING, LLC TO SHOW CAUSE WHY
ACTION SHOULD NOT BE REMANDED**

Before the Court is the Notice of Removal, filed November 22, 2010, by defendant WCS Lending, LLC (“WCS”), which states it has been erroneously sued as WCS Lending, Inc. In its Notice of Removal, WCS asserts the district court has jurisdiction over plaintiffs’ claims, each of which arises under state law, on the basis of diversity.

According to the Notice of Removal, (1) each plaintiff is a citizen of California, (2) WCS is a limited liability company and each of its members is a citizen of Florida or New York, (3) defendants Tal Shpritzman, and Carlos Cepeda are citizens of Florida, (4) defendant JP Morgan Chase Bank, National Association’s (“JP Morgan”) principal place of business is in Ohio, and (5) defendant Chase Home Finance, LLC (“Chase”) is a Delaware limited liability company with its principal place of business in New Jersey.

WCS’s allegations are insufficient to allege diversity of citizenship. First, WCS has

1 not alleged JP Morgan's state of incorporation. See 28 U.S.C. § 1332(c)(1) (providing
2 corporation is citizen of state in which it is incorporated and state where its principal place
3 of business is located). Second, WCS has not identified the owners/members of Chase, let
4 alone alleged that each such owner/member is a citizen of a state other than California.
5 See Johnson v. Columbia Properties Anchorage, LP, 437 F.3d 894, 899-90 (9th Cir. 2006)
6 (providing, for purposes of diversity, "an LLC is a citizen of every state of which its
7 owners/members are citizens").

8 Accordingly, WCS is hereby ORDERED TO SHOW CAUSE, in writing and no later
9 than December 23, 2010, why the instant matter should not be remanded for lack of
10 subject matter jurisdiction. Plaintiffs shall file any reply to WCS's response no later than
11 January 7, 2011, on which date the Court will take the matter under submission.

12 **IT IS SO ORDERED.**

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14 Dated: December 7, 2010

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16 MAXINE M. CHESNEY
17 United States District Judge
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