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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISIONIRENE CARDENAS,
Plaintiff,

v.

CALIBER HOME LOANS, INC., et al.,
Defendants.Case No. [5:17-cv-04382-HRL](#)**ORDER TO SHOW CAUSE RE
SUBJECT MATTER JURISDICTION**

Defendants Rushmore Loan Management Services, LLC (Rushmore) and U.S. Bank National Association (as trustee for RMAC Trust Series 2016-CTT) removed this action here on August 2, 2017, asserting diversity jurisdiction, 28 U.S.C. § 1332. The notice of removal asserts, among other things, that Rushmore “is headquartered in and a resident of Delaware,” and that defendant Summit Management Company, LLC “was and is incorporated in Delaware with its headquarters in Texas.” (Dkt. 1, Notice of Removal ¶¶ 6, 9). The notice goes on to conclude that complete diversity exists because “Plaintiffs reside in California; and the Defendants in this action, are headquartered in or residents of Delaware.” (Id. ¶ 10).

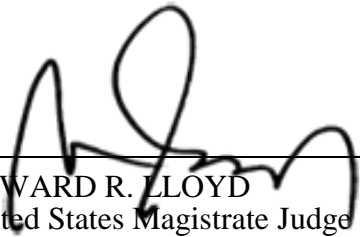
For purposes of diversity jurisdiction, LLCs are treated like partnerships. Johnson v. Columbia Properties Anchorage, LP, 437 F.3d 894, 899 (9th Cir. 2006). Thus, “like a partnership, an LLC is a citizen of every state of which its owners/members are citizens.” Id. Defendants’ notice of removal does not identify the citizenship of all of the owners/members of Rushmore or

1 Summit Management Company, LLC. Thus, the court cannot determine whether subject-matter
2 jurisdiction exists on the basis of diversity of citizenship.

3 Defendants are therefore ordered to show cause why this matter should not be dismissed
4 for lack of subject matter jurisdiction. A response to this order to show cause is due August 14,
5 2017. Defendants' response requires evidence, via a declaration or otherwise, that all of the
6 owners/members of the LLCs are diverse in citizenship from plaintiff. Failure to timely provide
7 such evidence will result in remand to the state court for lack of subject matter jurisdiction.

8 SO ORDERED.

9 Dated: August 4, 2017

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HOWARD R. LLOYD
United States Magistrate Judge

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5:17-cv-04382-HRL Notice has been electronically mailed to:

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