

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

GUILLE REYNOSO,
Plaintiff,
v.
GATEWAY MORTGAGE GROUP, LLC,
Defendant.

Case No. [5:17-cv-06616-HRL](#)

**ORDER TO SHOW CAUSE RE
SUBJECT MATTER JURISDICTION**

Defendant Gateway Mortgage Group, LLC (Gateway) removed this action here on November 16, 2017, asserting diversity jurisdiction, 28 U.S.C. § 1332. The notice of removal asserts that “Gateway is incorporated in Oklahoma and has its principal place of business in Jenks, Oklahoma, and is, therefore, a citizen of Oklahoma for diversity purposes.” (Dkt. 1, Notice of Removal ¶ 17). The notice goes on to conclude that “[b]ecause Plaintiff is a citizen of California and Gateway is a citizen of Oklahoma, complete diversity exists between the parties.” (Id. ¶ 19).

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. Defendant’s notice of removal does not identify the citizenship of all of the owners/members of Gateway. Thus, the court cannot determine whether subject-matter jurisdiction exists on the basis of

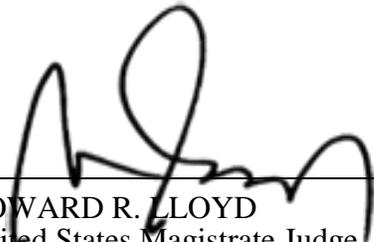
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diversity of citizenship.

Gateway is therefore ordered to show cause why this matter should not be dismissed for lack of subject matter jurisdiction. A response to this order to show cause is due November 27, 2017. Defendant's response requires evidence, via a declaration or otherwise, that all of the owners/members of the LLCs are diverse in citizenship from plaintiff. Failure to timely provide such evidence will result in remand to the state court for lack of subject matter jurisdiction.

SO ORDERED.

Dated: November 17, 2017



HOWARD R. LLOYD
United States Magistrate Judge