

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BARUCK BROS INVESTMENTS,
LLC,

Plaintiff,

v.

MM ACQUISITION CO., LLC,

Defendant.

Case No. 17-cv-06642-NC

ORDER TO SHOW CAUSE

Re: Dkt. No. 1

Defendant MM Acquisition Co., LLC removed this case from California state court on the basis of diversity jurisdiction. Dkt. No. 1 at 3. It is the Court’s duty to examine whether it has subject matter jurisdiction over any case before it.

Federal courts are courts of limited jurisdiction and are presumptively without jurisdiction. *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994). The defendant has the burden of showing removal of a state court action to federal court is appropriate. *Gaus v. Miles, Inc.*, 980 F.2d 564, 566 (9th Cir. 1992). Removal of a state court action to federal court is appropriate only if the federal court would have had original subject matter jurisdiction over the suit. 28 U.S.C. § 1441(a).

It is not clear that diversity of citizenship exists here, and so the existence of subject matter jurisdiction is uncertain. This is because defendant and plaintiff are limited liability companies, and the citizenship of each member of both companies must be considered in the diversity analysis. *Carden v. Arkoma Assocs.*, 494 U.S. 185, 195 (1990); *Johnson v.*

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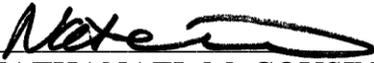
Columbia Properties Anchorage, LP, 437 F.3d 894, 899 (9th Cir. 2006). Defendant did not inform the Court of the citizenship of either of the LLCs' members.

Thus, the Court ORDERS MM Acquisition Co. to SHOW CAUSE why the Court has subject matter jurisdiction over this case. MM Acquisition Co. must file a response to this order by December 6, 2017. That response may not exceed 5 pages in length. Otherwise, the Court will remand this case to California state court.

Also by December 6, 2017, both parties must indicate whether they consent or decline the jurisdiction of a magistrate judge pursuant to 28 U.S.C. 636(c).

IT IS SO ORDERED.

Dated: November 21, 2017



NATHANAEL M. COUSINS
United States Magistrate Judge