

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Honorable Marcia S. Krieger

Civil Action No. 12-cv-00030-MSK-KMT

THE JEWELER, LLC,

Plaintiff,

v.

JEWELERS MUTUAL INSURANCE COMPANY,

Defendant.

OPINION AND ORDER REMANDING ACTION

THIS MATTER comes before the Court *sua sponte*.

The Plaintiff commenced this action in the Colorado District Court for Larimer County, alleging claims sounding in breach of contract. On January 5, 2012, the Defendant removed the action to this Court, citing federal subject matter jurisdiction arising out of diversity of citizenship under 28 U.S.C. § 1332.

For federal jurisdiction to exist under § 1332, the parties must be citizens of different states. 28 U.S.C. § 1332(a)(1). The Notice of Removal states that the Defendant is a Wisconsin corporation with its principal place of business in Wisconsin, making it a citizen of Wisconsin for jurisdictional purposes. 28 U.S.C. § 1332(c)(1).

The Complaint states that the Plaintiff is a limited liability company. For purposes of ascertaining citizenship under § 1332, a limited liability company is deemed to be a citizen of every state in which one of its members reside. *Bridsong v. Westglen Endoscopy Ctr., LLC*, 175 F.Supp.2d 1245, 1248 (D.Kan. 2001). The Complaint states that the John Heiman, a citizen of

Colorado, is the “Managing member” of the Plaintiff, but the Complaint does not indicate that Mr. Heiman is the only member of the Plaintiff, nor does it indicate the state of citizenship of any other member of the Plaintiff. The Notice of Removal sheds no additional light on the issue of the Plaintiff’s citizenship.

Because the record does not adequately establish the existence of federal subject matter jurisdiction, the matter is **REMANDED** to the Colorado District Court for Larimer County pursuant to 28 U.S.C. § 1447(c). The Clerk of the Court shall transmit the entire case file in this action to the Clerk of the Colorado District Court for Larimer County and close this case.

Dated this 14th day of February, 2012

BY THE COURT:

A handwritten signature in black ink that reads "Marcia S. Krieger". The signature is written in a cursive style with a distinct dot over the 'i' in "Krieger".

Marcia S. Krieger
United States District Judge