

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Raymond P. Moore**

Civil Action No. 1:17-cv-02475-RM

PETERMAN INVESTMENTS LLC, a Colorado corporation,

Plaintiff,

v.

AUTO-OWNERS INSURANCE COMPANY, a Michigan corporation,

Defendant.

ORDER

This matter is before the Court *sua sponte* upon consideration of the Notice of Removal (ECF No. 1). Defendant removed this action from the District Court, Adams County, Colorado alleging diversity jurisdiction. Diversity jurisdiction requires that the amount in controversy exceeds \$75,000.00 and diversity of citizenship between the parties. 28 U.S.C. § 1332. Here, Defendant alleges the parties are diverse based on the following: (1) Plaintiff, an LLC, is a citizen of the State of Colorado as that is where it is incorporated and has its principal place of business (ECF No. 1, ¶6); and (2) Defendant, a corporation, is a citizen of the State of Michigan as that is where it is incorporated and has its principal place of business (ECF No. 1, ¶6.) Such allegations, however, are insufficient. Specifically, Plaintiff is a not a corporation. Instead, Plaintiff is an LLC, and “an LLC, as an unincorporated association, takes the citizenship of all its members.” *Siloam Springs Hotel, L.L.C. v. Century Sur. Co.*, 781 F.3d 1233, 1234 (10th Cir. 2015) (citations omitted). But, Defendant fails to allege the identity or citizenship of any of Plaintiff’s members. And, its supporting Exhibit E also does not disclose this information.

Accordingly, the Court is unable to determine the citizenship of the LLC and that complete diversity of citizenship exists.

It is therefore **ORDERED** that on or before Friday, October 27, 2017, Defendant shall **SHOW CAUSE** why this case should not be remanded from where it was removed due to this Court's lack of subject matter jurisdiction.

DATED this 17th day of October, 2017.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Raymond P. Moore", written over a horizontal line.

RAYMOND P. MOORE
United States District Judge