

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Civil Action No. 18-cv-00842-PAB

LILU'S GARDEN, LTD, a Colorado Limited Liability Company, and
SLC1, LLC f/k/a Sweet Leaf Capital 1, LLC, a Colorado Limited Liability Company,

Plaintiffs,

v.

UNITED SCIENCE LLC, a Minnesota Limited Liability Company,

Defendant.

ORDER TO SHOW CAUSE

This matter is before the Court on plaintiffs' amended complaint [Docket No. 5] and response [Docket No. 6] to the Court's Order to Show Cause [Docket No. 4]. In both the original and amended complaints, plaintiffs claim that the Court has subject matter jurisdiction over this lawsuit pursuant to 28 U.S.C. § 1332. Docket No. 1 at 3, ¶ 8; Docket No. 5 at 3-4, ¶ 11. On April 13, 2018, the Court ordered plaintiffs to show cause why this case should not be dismissed based on plaintiffs' failure to identify the parties' members or the citizenship of those members. See Docket No. 4 at 3.

In their amended complaint, filed on April 19, 2018, plaintiffs allege, "on information and belief," that defendant's sole member is Jonathan Thompson, a citizen of Minnesota. Docket No. 5 at 3, ¶ 7. The Court reads plaintiffs' averment "on information and belief" to mean that plaintiffs do not have affirmative knowledge of defendant's citizenship. Such unsupported allegations do not confer subject matter jurisdiction over this case. See *Yates v. Portofino Real Estate Props. Co., LLC*, No. 08-

cv-00324-PAB-MJW, 2009 WL 2588833, at *3 (D. Colo. Aug. 17, 2009) (requiring plaintiff to “address the citizenship of each of [defendant’s] members without resorting merely to their ‘information and belief’ as to the same”); *U.S. Fire Ins. Co. v. Pinkard Constr. Co.*, No. 09-cv-00491-PAB-MJW, 2009 WL 2338116, at *3 (D. Colo. July 28, 2009) (interpreting allegations based on “information and belief” to “mean that plaintiffs have no affirmative knowledge of a lack of diversity”). It is therefore

ORDERED that, on or before **5:00 p.m.** on **April 27, 2018**, plaintiffs shall show cause why this case should not be dismissed due to the Court’s lack of subject matter jurisdiction.

DATED April 23, 2018.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge