

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

DENISE VENATOR, as surviving)
spouse of Ricky Lee Venator)
and as Administratrix of the)
Estate of Ricky Lee Venator,)

Plaintiff,)

v.)

INTERSTATE RESOURCES, INC.;)
INTERSTATE PAPER, LLC; and)
MICHAEL JOSEPH WINGATE;)

Defendants.)

CASE NO. CV415-086

**U. S. DISTRICT COURT
Southern District of Ga.
Filed in Office**

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4/14 2015
Deputy Clerk

ORDER

Defendant has removed this case from the State Court of Liberty County, Georgia. (Doc. 1.) Defendants' Notice of Removal attempts to invoke this Court's diversity jurisdiction. (Doc. 1 ¶ 1.) However, the jurisdictional allegations contained in the notice of removal are insufficient to establish complete diversity between the parties.

The party invoking this Court's diversity jurisdiction bears the burden of adequately pleading complete diversity between the parties. See 28 U.S.C. § 1332; Ray v. Bird & Son & Asset Realization Co., 519 F.2d 1081, 1082 (5th

Cir. 1975)¹ ("The burden of pleading diversity of citizenship is upon the party invoking federal jurisdiction, and if jurisdiction is properly challenged, that party also bears the burden of proof."). For the purposes of diversity jurisdiction, a limited liability company ("LLC") is a citizen of every state in which any of its members are citizens. Rolling Greens MHP, L.P. v. Comcast SCH Holdings L.L.C., 374 F.3d 1020, 1021-22 (11th Cir. 2004). The Eleventh Circuit Court of Appeals has been explicit in addressing the proper method to allege sufficiently the citizenship of an LLC: "a party must list the citizenships of all the members of the limited liability company." Id. at 1022.


In this case, the notice of removal does not include a list of the individual members, along with their citizenship, of Defendant Interstate Paper, LLC. Rather, the notice of removal only states that Defendant Interstate Paper, LLC is a Delaware limited liability company with its principal place of business in Virginia. (Doc. 1 ¶ 1.) The notice of removal relies on these allegations to advance

¹ In Bonner v. City of Prichard, 661 F.2d 1206, 1209 (11th Cir. 1981) (en banc), the Eleventh Circuit adopted as

the general conclusion that complete diversity exists between the parties. (Id.) Such unspecific allegations, however, are insufficient for Defendants to carry their burden of establishing complete diversity between the parties. See Ray, 519 F.2d at 1082.

Accordingly, Defendants are **DIRECTED** to file an amended notice of removal within **fourteen days** from the date of this order. The amended notice of removal should properly include the citizenship of each party to this case, specifically the names and citizenships of each member of Defendant Interstate Paper, LLC.

SO ORDERED this 14th day of April 2015.



WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

binding precedent all decisions of the former Fifth Circuit handed down prior to October 1, 1981.