

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

CLUB FACTORAGE, LLC, Plaintiff, v. WOOD DUCK HIDING, LLC; and TIMOTHY M. PETRIKIN; Defendants.

CASE NO. CV415-264

U.S. DISTRICT COURT SAVANNAH DIV. 2016 SEP -8 PM 3:02

ORDER

Before the Court is Defendants' Motion for Summary Judgment. (Doc. 29.) For the following reasons, Defendants' motion is DISMISSED AS MOOT. The Court is unable to rule on Defendants' motion at this time because 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. 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

1 In Bonner v. City of Prichard, 661 F.2d 1206, 1209 (11th Cir. 1981) (en banc), the Eleventh Circuit adopted as binding precedent all decisions of the former Fifth Circuit handed down prior to October 1, 1981.

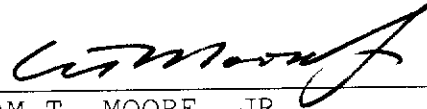
party also bears the burden of proof."). For the purposes of diversity jurisdiction, a limited liability company ("LLC") is a citizen of every state in which any of its members are citizens. Rolling Greens MHP, L.P. v. Comcast SCH Holdings L.L.C., 374 F.3d 1020, 1021-22 (11th Cir. 2004). The Eleventh Circuit Court of Appeals has been explicit in addressing the proper method to allege sufficiently the citizenship of a LLC: "a party must list the citizenships of all the members of the limited liability company." Id. at 1022. Furthermore, the general allegation that no member of Plaintiff Club Factorage, LLC is a Georgia citizen is insufficient for Defendants to carry their burden of establishing complete diversity between the parties. Ray, 519 F.2d at 1082.

In this case, the notice of removal does not include a list of the individual members, along with their citizenships, of Plaintiff Club Factorage, LLC. The notice merely states that "[u]pon information and belief, Plaintiff's members are all citizens of Georgia." (Doc. 1 at 4.) As discussed above, this is not sufficient to establish complete diversity. Accordingly, Defendants are **DIRECTED** to file an amended notice of removal within fourteen days from the date of this order listing all members of Plaintiff Club Factorage, LLC and their citizenships.²

²The Court will not accept any amended notice that incorporates by reference any factual allegation or argument contained in an

Once Defendants have addressed the deficiencies noted in this order, the parties will have thirty days to refile any motions for summary judgment.

SO ORDERED this 8th day of September 2016.



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

earlier filing, or offers only a piecemeal amendment. Defendants' amended notice should be a stand-alone filing that independently contains all the factual allegations necessary to establish diversity between the parties.