

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

WORLDWIDE BATTERY COMPANY, LLC,)
)
Plaintiff,)
)
v.) CASE NO. 1:06-cv-0602-DFH-TAB
)
JOHNSON CONTROLS, INC., et al.,)
)
Defendants.)

ORDER TO SHOW CAUSE

Defendants filed their notice of removal on April 13, 2006, attempting to invoke the court's diversity jurisdiction under 28 U.S.C. § 1332. Putting aside for now the issue of fraudulent joinder, the notice of removal still fails to establish diversity of citizenship. Plaintiff is alleged to be a limited liability company but the notice of removal treats its citizenship as if it were a corporation. It is well established in the Seventh Circuit that a limited liability company is treated like a partnership for purposes of diversity jurisdiction. *Cosgrove v. Bartolotta*, 150 F.3d 729, 731 (7th Cir. 1998). Defendants must determine the identities and citizenships of all members of the LLC, tracing it back through any layers until one finds only individuals and corporations.

Further, defendant corporations have failed to plead their own citizenships. They have failed to allege where their own principal places of business are located. See 28 U.S.C. § 1332(c).

Accordingly, defendants are hereby ORDERED TO SHOW CAUSE **no later than April 25, 2006**, why this action should not be remanded to state court.

So ordered.

Date: April 17, 2006



DAVID F. HAMILTON, JUDGE
United States District Court
Southern District of Indiana

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