

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

CYNTHIA LANG,)
)
Plaintiff,)
)
v.)
)
LEE NIGRO, M.D., WEIGHT LOSS)
SURGICAL CENTER, LLC and)
WEIGHT LOSS HEALTHCARE)
CENTERS OF AMERICA, INC.,)
)
Defendants.)
)
_____)

CIVIL ACTION

No. 08-2442-KHV

ORDER TO SHOW CAUSE

Plaintiff, a Missouri citizen, brings suit against Weight Loss Surgical Center, LLC and others. Plaintiff's sole basis for subject matter jurisdiction is diversity of citizenship. See Complaint (Doc. #1) filed September 19, 2008 ¶ 2; 28 U.S.C. § 1332. Section 1332 requires complete diversity between all plaintiffs and all defendants. Radil v. Sanborn W. Camps, Inc., 384 F.3d 1220, 1225 (10th Cir. 2004).

Plaintiff alleges that Weight Loss Surgical Center, LLC is a Kansas corporation. Complaint (Doc. #1) ¶ 2. For the purpose of diversity jurisdiction, however, an LLC is a citizen of each state of which a member is a citizen. Birdsong v. Westglen Endoscopy Ctr., LLC, 176 F. Supp.2d 1245, 1248 (D. Kan. 2001); see also Pramco, LLC v. San Juan Bay Marina, Inc., 435 F.3d 51, 54 (1st Cir. 2006) (every circuit to consider issue has held that citizenship of LLC is determined by citizenship of all of its members). The complaint does not allege the citizenship of each member of Weight Loss Surgical Center, LLC and it therefore fails to properly allege subject matter jurisdiction.

IT IS THEREFORE ORDERED that on or before **November 17, 2008**, plaintiff show good cause in writing why her complaint should not be dismissed for lack of subject matter jurisdiction.

Dated this 5th day of November, 2008 at Kansas City, Kansas.

s/ Kathryn H. Vratil
Kathryn H. Vratil
United States District Judge