

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

TV6 HOLDINGS, LLC

CIVIL ACTION

VERSUS

NO. 16-700-JWD-RLB

CHESTNUT DEVELOPMENT, L.L.C.

ORDER

Before the Court is Plaintiff's Motion for Leave to File First Amending Complaint to Amend and Supplement Allegations and to Add a Party (R. Doc. 16) filed on May 15, 2017. The motion is unopposed. (R. Doc. 17).

Plaintiff seeks to add O.U.R.S., LLC as a defendant.

This is a diversity action. In order for the Court to determine whether the motion should be granted, the Court must determine whether the additional defendant will affect the continued exercise of jurisdiction.

The instant proposed pleading (R. Doc. 16-1) is deficient with regard to the citizenship of O.U.R.S., LLC. Upon further review of the record, the Court has also determined that the Complaint (R. Doc. 1) is deficient with regard to the citizenship of TV6 Holdings, LLC and Chestnut Development, LLC.

"The burden of proving that complete diversity exists rests upon the party who seeks to invoke the court's diversity jurisdiction." *Getty Oil Corp., a Div. of Texaco v. Ins. Co. of N. Am.*, 841 F.2d 1254, 1259 (5th Cir. 1988). The citizenship of a limited liability company is determined by the citizenship of each of its members, not the state under whose laws it is organized, the location of its principal place of business, or its authorization to do business in a

certain state. See *Harvey v. Grey Wolf Drilling Co.*, 542 F.3d 1077, 1080 (5th Cir. 2008). When members are themselves limited liability companies, the citizenship must be traced through however many layers of members there may be. *Turner Bros. Crane & Rigging, LLC v. Kingboard Chem. Holding Ltd.*, No. 06-88, 2007 WL 2848154, at *4 (M.D. La. Sept. 24, 2007).

Accordingly,

IT IS ORDERED that Plaintiffs' Motion to Amend (R. Doc. 16) is **DENIED**.

IT IS FURTHER ORDERED that, pursuant to 28 U.S.C. § 1653, Plaintiff shall file an Amended Complaint providing the citizenship of the parties, **TV6 Holdings, LLC** and **Chestnut Development, LLC**, on or before **June 2, 2017**. In the alternative to filing the foregoing pleading, Plaintiff may file a renewed motion to amend providing the citizenship of the parties, **TV6 Holdings, LLC** and **Chestnut Development, LLC**, as well as the proposed additional defendant, **O.U.R.S., LLC**. If Plaintiff chooses to file a renewed motion to amend, the proposed pleading must include all of Plaintiff's active allegations and causes of action and may not incorporate by reference, refer to, or otherwise depend upon the allegations in the original Complaint.

Signed in Baton Rouge, Louisiana, on May 19, 2017.



RICHARD L. BOURGEOIS, JR.
UNITED STATES MAGISTRATE JUDGE