

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

ROSS DRESS FOR LESS, INC.

CIVIL ACTION

VERSUS

NO. 17-542-JWD-EWD

CREEKSTONE/JUBAN I, LLC, ET AL.

ORDER

Before the Court is a Complaint filed by plaintiff, Ross Dress for Less, Inc. (“Ross”).¹ In the Complaint, Ross asserts this Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332.² The Complaint contains the following allegations regarding citizenship of the parties:

1.

Plaintiff Ross is a corporation organized under the laws of the State of Virginia with its principal place of business in California.

2.

Defendant Creekstone/Juban I, LLC (“Landlord”) is a limited liability company organized under the laws of the State of Delaware. Upon information and belief, the managing member of Landlord is Stephen Keller who is a domiciliary of the State of Louisiana

3.

Upon information and belief, Defendant XL Insurance America, Inc. (“XL”) is an insurance corporation organized under the laws of the State of Delaware with its principal place of business in Connecticut.³

Proper information regarding the citizenship of all parties is necessary to establish the Court’s diversity jurisdiction. In the Complaint, citizenship has not been adequately alleged. While the citizenship of plaintiff, Ross, and defendant, XL Insurance America, Inc., has been

¹ R. Doc. 1.

² R. Doc. 1 at ¶ 4.

³ R. Doc. 1 at ¶¶ 1-3.

adequately alleged,⁴ the citizenship of Creekstone/Juban I, LLC has not been adequately alleged in the Complaint. For purposes of diversity, the citizenship of a limited liability company is determined by considering the citizenship of all its members. *Harvey v. Grey Wolf Drilling Co.*, 542 F.3d 1077, 1080 (5th Cir. 2008). Thus, to properly allege the citizenship of a limited liability company, a party must identify each of the members of a limited liability company and the citizenship of each member in accordance with the requirements of 28 U.S.C. § 1332(a) and (c). The same requirement applies to any member of a limited liability company which is also a limited liability company. *See, Turner Bros. Crane and Rigging, LLC v. Kingboard Chemical Holding Ltd.*, 2007 WL 2848154, at *4 (M.D. La. Sept. 24, 2007) (“when partners or members are themselves entities or associations, the citizenship must be traced through however many layers of members or partners there may be, and failure to do [so] can result in dismissal for want of jurisdiction.”) (citations omitted). Although Ross has properly alleged the citizenship of the managing member of Creekstone/Juban I, LLC, Stephen Keller,⁵ it is unclear from the Complaint whether Keller is the only member of Creekstone/Juban I, LLC.

Accordingly,

IT IS HEREBY ORDERED that Ross shall have seven (7) days from the date of this Order to file an amended Complaint without further leave of Court properly setting forth the

⁴ For purposes of diversity, “A corporation is a citizen of its place of incorporation and its principal place of business.” 28 U.S.C. § 1332(c). *See also, Getty Oil, Div. of Texaco v. Ins. Co. of North America*, 841 F.2d 1254, 1259 (5th Cir. 1988) (In diversity cases involving corporations, “allegations of citizenship must set forth the state of incorporation as well as the principal place of business of each corporation.”). Thus, to properly allege the citizenship of a corporation, a party must identify the place of incorporation and the corporation’s principal place of business in accordance with the requirements of 28 U.S.C. § 1332(c).

⁵ The Fifth Circuit has explained that, “For diversity purposes, citizenship means domicile; mere residence in the State is not sufficient.” *Mas v. Perry*, 489 F.2d 1396, 1399 (5th Cir. 1974) (citations omitted).

citizenship particulars required to establish that the Court has diversity jurisdiction over the case.

Signed in Baton Rouge, Louisiana, on August 11, 2017 .

Erin Wilder-Doomes
ERIN WILDER-DOOMES
UNITED STATES MAGISTRATE JUDGE