

**UNITED STATES DISTRICT COURT**  
**WESTERN DISTRICT OF LOUISIANA**  
**MONROE DIVISION**

**KIMBERLY PETERSON RABUN**

**CIVIL ACTION NO. 12-2482**

**VERSUS**

**JUDGE ROBERT G. JAMES**

**GENERAL MOTORS, LLC, ET AL.**

**MAG. JUDGE KAREN L. HAYES**

**ORDER**

On September 17, 2012, defendant General Motors, LLC (“GM”) removed the instant case to federal court on the basis of diversity jurisdiction. *See* Notice of Removal. When jurisdiction depends on citizenship, “citizenship must be ‘*distinctly and affirmatively* alleged.’” *Getty Oil, Div. Of Texaco v. Ins. Co. of North America*, 841 F.2d 1254, 1259 (5th Cir. 1988) (citation omitted) (emphasis in citing source). This rule requires “strict adherence.” *Id.*

For purposes of diversity, the citizenship of a limited liability company (“LLC”) is determined by the citizenship of all of its members. *Harvey v. Grey Wolf Drilling Co.*, 542 F.3d 1077, 1080 (5<sup>th</sup> Cir. 2008).<sup>1</sup> Moreover, for each member of an LLC that is itself an LLC or partnership, its members and their citizenship must be identified and traced up the chain of ownership until one reaches only individuals and/or corporations. *Lewis v. Allied Bronze, LLC*, 2007 WL 1299251 (E.D. N.Y. May 2, 2007); *see also Mullins v. TestAmerica, Inc.*, 564 F.3d 386, 397 (5<sup>th</sup> Cir. 2009) (suggesting that to discern the citizenship of an LLC, the court must trace

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<sup>1</sup> GM alleges that it is a Delaware entity. *See* discussion, *infra*. Delaware appears to treat LLCs as unincorporated associations for purposes of diversity jurisdiction. *See e.g., Rolling Greens MHP, L.P. v. Comcast SCH Holdings L.L.C.*, 374 F.3d 1020, 1021 (11<sup>th</sup> Cir. 2004); *E-Beam Services, Inc. v. XL Foam LLC*, 2008 WL 4890136 (D. N.J. 11/13/2008).

citizenship “down the various organizational layers”); *Feaster v. Grey Wolf Drilling Co.*, 2007 WL 3146363, \*1 (W.D. La. Oct. 25, 2007) (“citizenship must be traced through however many layers of members or partners there may be”).

GM alleges in its notice of removal that it is a Delaware corporation. (Notice of Removal, ¶ V). However, in its corporate disclosure statement, GM represents that it is a Delaware LLC. (Corporate Disclosure Statement [doc. # 2]). The court will give effect to the latter statement, not least of which because GM’s name includes the “LLC” qualifier. GM’s jurisdictional allegations, however, do not suffice to establish its citizenship as an LLC. Although GM purports to identify at least some of its members, it fails to identify all of the members of General Motors Company, a Delaware LLC that is a link in the chain of GM ownership. *Id.*

Accordingly, within the next fourteen days from the date of this order, defendant is granted leave of court to file an amended notice of removal which establishes diversity jurisdiction. *See* 28 U.S.C. §1653. If defendant fails to so comply, or if subject matter jurisdiction is found to be lacking, then the matter will be remanded to state court.

THUS DONE AND SIGNED in chambers, at Monroe, Louisiana, this 27th day of December 2012.

  
KAREN L. HAYES  
U. S. MAGISTRATE JUDGE