

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

CYNTHIA R. HENDRICKSON

CIVIL ACTION NO. 13-cv-0562

VERSUS

JUDGE FOOTE

ACE AMERICAN INSURANCE CO.,
ET AL

MAGISTRATE JUDGE HORNSBY

MEMORANDUM ORDER

Ace American Insurance Company and CETCO Oilfield Services Company, LLC removed this case based on an assertion of diversity jurisdiction, which places the burden on them to present facts to establish diversity. The Notice of Removal appears to allege the citizenship of the various parties in accordance with the applicable rules, with the exception of CETCO. It is described as a limited liability company with one member, Colloid Environmental Technologies Company, LLC.

The notice describes Colloid as organized under Delaware law with a principal place of business in Illinois, but the citizenship of an LLC is determined by the citizenship of all of its members, with its state of organization or principal place of business being irrelevant. Harvey v. Grey Wolf Drilling Co., 542 F.3d 1077 (5th Cir. 2008). If the members are themselves partnerships, LLCs, corporations or other form of entity, their citizenship must be alleged in accordance with the rules applicable to that entity, and the citizenship must be traced through however many layers of members or partners there may be. Feaster v. Grey Wolf Drilling Co., 2007 WL 3146363 (W.D. La. 2007). The court has explained the need

for such detail in cases such as Burford v. State Line Gathering System, LLC, 2009 WL 2487988 (W.D. La. 2009).

The removing defendants will be allowed until **April 15, 2013** to file an Amended Notice of Removal and set forth the membership of Colloid in detail. If diversity is not present, the case will be subject to remand. If diversity is established, the court will set a scheduling conference once the third defendant, Jonathan Rodgers, has filed an answer. If Plaintiffs have not yet served Rodgers, they should do so promptly.

THUS DONE AND SIGNED in Shreveport, Louisiana, this 25th day of March, 2013.



MARK L. HORNSBY
UNITED STATES MAGISTRATE JUDGE