

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

COTTAGE GROVE PLANTATION, LLC CIVIL ACTION NO. 15-cv-2705
VERSUS JUDGE HICKS
FOREMOST INSURANCE CO. MAGISTRATE JUDGE HORNSBY

MEMORANDUM ORDER

Cottage Grove Plantation, LLC filed suit in state court against Foremost Insurance Company to recover property damages under an insurance policy. Foremost removed the case based on an assertion of diversity jurisdiction, which places the burden on Foremost to assert facts that show there is complete diversity of citizenship. The current notice of removal does not meet that burden, so Foremost is directed to file an amended notice of removal by **December 21, 2015** that sets forth the necessary information in accordance with the rules discussed below.

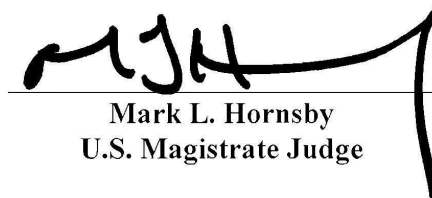
Foremost alleges that it is a corporation organized under the laws of Michigan and with its principal place of business in Michigan. Those allegations are sufficient to allege the citizenship of a corporation under 28 U.S.C. § 1332(c)(1). Foremost alleges that Cottage Grove Plantation, LLC is “domiciled in the Parish of DeSoto” and “a Louisiana domiciliary.” Those allegations are not sufficient to allege the citizenship of Cottage Grove.

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) and Adams v Wal-Mart Stores, Inc., 2014 WL 2949404 (W.D. La. 2014).

The members of an LLC are not typically available in public records, so counsel for Cottage Grove is directed to promptly provide the necessary membership information to counsel for Foremost so that this preliminary issue may be resolved without undue delay or expense. Once it is determined that Foremost has met its burden of establishing subject-matter jurisdiction, and Foremost has filed an answer to the petition, the court will set a scheduling conference and issue related instructions.

THUS DONE AND SIGNED in Shreveport, Louisiana, this 19th day of November, 2015.


Mark L. Hornsby
U.S. Magistrate Judge