

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

TABITHA ALFORD

CIVIL ACTION NO. 17-cv-0236

VERSUS

JUDGE FOOTE

ELIJAH SKINNER, ET AL

MAGISTRATE JUDGE HORNSBY

MEMORANDUM ORDER

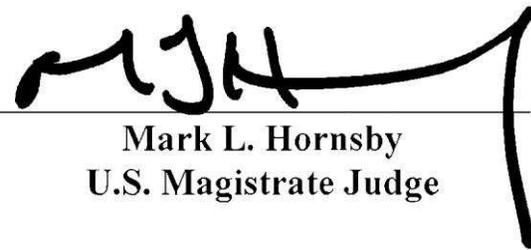
Greenwich Insurance Company removed this case based on an assertion of diversity jurisdiction, which puts the burden on Greenwich to plead facts that show that there is complete diversity of citizenship. Its notice of removal appears to meet that burden except with respect to Flat Creek Transportation, LLC. The notice describes the LLC as an Alabama limited liability company that, upon information and belief, has one member that/who “is a resident and domiciliary of the state of Alabama.”

The notice of removal does not identify the member or clearly indicate whether it is believed to be an individual, a corporation, or some other entity. “A party seeking to establish diversity jurisdiction must specifically allege the citizenship of every member of every LLC or partnership involved in a litigation.” Settlement Funding, L.L.C. v. Rapid Settlements, Ltd., 851 F.3d 530, 536 (5th Cir. 2017). Requiring such detailed information may seem like an imposition, but the court has an obligation to examine the basis of its subject-matter jurisdiction even if no party contests it. The parties also have an interest in determining early on whether the court has jurisdiction, so as to avoid wasting time and resources in an improper court. The Fifth Circuit also examines such issues on its own,

and parties that have won before the district court have seen cases dismissed or remanded when they did not ensure that their district court pleadings included specific information about the citizenship of each party. See, e.g., Howery v. Allstate Ins. Co., 243 F.3d 912 (5th Cir. 2001); Mullins v. TestAmerica, Inc., 300 Fed. Appx.259 (5th Cir. 2008); and Bank of America, N.A. v. Fulcrum Enterprises, LLC, 2016 WL 1084225 (5th Cir. 2016).

Greenwich will be allowed until **January 26, 2018** to file an amended notice of removal and attempt to meet its burden alleging complete diversity of citizenship. If that burden is met, the case will be ready for a scheduling conference once defendant Elijah Skinner files an answer, is defaulted, or is dismissed.

THUS DONE AND SIGNED at Shreveport, Louisiana, this 11th day of January, 2018.



Mark L. Hornsby
U.S. Magistrate Judge