

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

ALBERT D. TREICHEL, CATHLEEN
L. TREICHEL,

Plaintiffs,

v.

Case Number 09-13489-BC
Honorable Thomas L. Ludington

INERGY PROPANE, LLC, EMERSON
ELECTRIC COMPANY,

Defendants.

_____ /

**ORDER DIRECTING DEFENDANT INERGY PROPANE LLC TO IDENTIFY THE
CITIZENSHIP OF EACH OF ITS MEMBERS**

On September 3, 2009, Plaintiffs Albert D. Treichel and Cathleen L. Treichel filed a complaint against Defendants Inergy Propane LLC and Emerson Electric Company. Plaintiffs contend that this Court's subject matter jurisdiction is predicated on the diversity of the parties' citizenship. "[F]ederal courts have an independent obligation to investigate and police the boundaries of their own jurisdiction" *Douglas v. E.G. Baldwin & Assocs., Inc.*, 150 F.3d 604, 607 (6th Cir. 1998). "It is well settled that as a matter of statutory construction, diversity of citizenship requires complete diversity between all plaintiffs on one side and all defendants on the other side." *Glancy v. Taubman Ctr., Inc.*, 373 F.3d 656 (6th Cir. 2004) (citing *Caterpillar, Inc. v. Lewis*, 519 U.S. 61, 68 (1996)). A corporation is "a citizen of any State by which it has been incorporated and of the State where it has its principal place of business" 28 U.S.C. § 1332(c)(1). The citizenship of a limited liability company, however, is determined in a different manner. *Homfeld II, L.L.C. v. Comair Holdings, Inc.*, 53 F.App'x 731 732-33 (6th Cir. 2002) (citing *Cosgrove v. Bartolotta*, 150 F.3d 729, 731 (7th Cir. 1998) and *Navarro Sav. Ass'n v. Lee*, 446 U.S.

458, 464 (1980)). A limited liability company's citizenship is derived from the citizenship of each of its members. *Id.*

Plaintiffs assert that they are residents of Michigan. In addition, the complaint alleges that Defendant Emerson Electric Company is a Missouri corporation with its principal place of business in Missouri. The complaint also alleges that Defendant Inergy Propane LLC is a Missouri corporation with its principal place of business in Missouri. However, the citizenship of each of the limited liability company's members are not apparent. Consequently, the Court is unable to determine whether complete diversity of the parties exists.

Accordingly, it is **ORDERED** that Defendant Inergy Propane LLC is **DIRECTED** to identify the citizenship of each of its members in writing on or before **December 1, 2009**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: November 17, 2009

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on November 17, 2009.

s/Tracy A. Jacobs
TRACY A. JACOBS