

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Nicole Daniels,

Plaintiff,

Case No. 22-cv-10203

v.

Judith E. Levy

United States District Judge

Delta Air Lines, Inc., *et al.*,

Mag. Judge Elizabeth A. Stafford

Defendants.

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**ORDER DIRECTING DEFENDANT UNIFI AVIATION, LLC TO
CLARIFY INFORMATION IN ITS JURISDICTIONAL
STATEMENT [41]**

On November 1, 2022, the Court directed Defendant Unifi Aviation, LLC to identify the citizenship of its members. (ECF No. 40.) The Court requested this information to “make a final determination on the issue of subject matter jurisdiction” based on diversity jurisdiction. (*Id.* at PageID.274.) On November 14, 2022, Unifi filed a jurisdictional statement identifying the citizenship of its members. (ECF No. 41.)

In its jurisdictional statement, Unifi indicates that some of its members are citizens of Delaware, Georgia, and/or Florida. (*See id.* at PageID.277.) One entity referenced in the jurisdictional statement—

Argenbright Master Holdings, LLC—is partially owned by two trusts that “were formed in the state of Nevada.” (*Id.*) But a trust’s citizenship is the citizenship of its trustee or trustees. *See Gen. Ret. Sys. of City of Detroit v. UBS AG*, No. 10-CV-13920, 2010 WL 5296957, at *4 (E.D. Mich. Dec. 20, 2010) (“[W]hen considering whether diversity jurisdiction exists, the citizenship of the trust should be determined by the citizenship of its trustee or trustees only.”); *Yarbrough v. Quince Nursing & Rehab. Ctr., LLC*, No. 22:2-cv-02126-TLP-tmp, 2022 WL 2812262, at *2 (W.D. Tenn. July 18, 2022) (“[A] trust has the citizenship of its trustees.” (citing *Americold Realty Tr. v. Conagra Foods, Inc.*, 577 U.S. 378, 382–83 (2016))). Because Unifi has not provided the citizenship of the trustee or trustees of the two trusts it references in its jurisdictional statement, the Court cannot evaluate whether diversity jurisdiction exists.

In addition, the Court has incomplete information about the citizenship of a different entity identified in the jurisdictional statement as both “Scrub Holdings, Inc.” and “Scrubs Holdings, Inc.” (ECF No. 41, PageID.277.) Unifi indicates that “Scrubs Holdings, Inc[.] has its principal place of business in Atlanta, Georgia and was formed in the state of Illinois.” (*Id.*) The Court noted in its September 14, 2022 show

cause order directed at Plaintiff Nicole Daniels that “a corporation is a citizen of possibly two states: the state where it is incorporated and the state where its principal place of business is located.” (ECF No. 20, PageID.137 (citing 28 U.S.C. § 1332(c)(1).) Here, Unifi does not specify Scrubs’ state of incorporation. Unifi’s assertion that Scrubs “was formed in the state of Illinois” (ECF No. 41, PageID.277) might be intended to indicate that it was incorporated in Illinois. However, this language is unclear, and the Court was unable to find “Scrub Holdings, Inc.” or “Scrubs Holdings, Inc.” in the Illinois Secretary of State’s Department of Business Services online database.

Accordingly, by **November 28, 2022**, Unifi must clarify the information that appears in its jurisdictional statement by identifying (1) the citizenship of each of the two trusts that partially own Argenbright Master Holdings, LLC, (2) the correct name of the entity referred to as both “Scrub Holdings, Inc.” and “Scrubs Holdings, Inc.,” and (3) the state of incorporation of “Scrub Holdings, Inc.” or “Scrubs Holdings, Inc.”

IT IS SO ORDERED.

Dated: November 18, 2022
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on November 18, 2022.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager