

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Interplastic Corporation,

Plaintiff,

v.

Civil No. 09-587 (JNE/JSM)
ORDER

Hudson Solid Surfaces International, L.L.C.,

Defendant.

Interplastic Corporation brought this action in state court against Hudson Solid Surfaces International, L.L.C. (Hudson). Hudson removed the action to this Court pursuant to 28 U.S.C. § 1332 (2006), which provides that a federal district court has original jurisdiction of a civil action where the matter in controversy exceeds \$75,000, exclusive of interest and costs, and is between citizens of different states. 28 U.S.C. § 1332(a)(1). The Court's review of the record reveals that Hudson has not satisfied its burden of establishing subject matter jurisdiction. *See Altimore v. Mount Mercy Coll.*, 420 F.3d 763, 768 (8th Cir. 2005) (stating that removing party bears burden of establishing subject matter jurisdiction).

It is undisputed that Interplastic is a Minnesota corporation whose principal place of business is in Minnesota and that Hudson is an Oklahoma limited liability company whose principal place of business is in Oklahoma. (Compl. ¶¶ 1-2; Answer ¶¶ 1-2.) Although Interplastic's citizenship is properly alleged, *see* 28 U.S.C. § 1332(c)(1), Hudson's citizenship is not.

For purposes of diversity jurisdiction, a limited liability company's citizenship is that of its members. *OnePoint Solutions, LLC v. Borchert*, 486 F.3d 342, 346 (8th Cir. 2007); *GMAC Commercial Credit LLC v. Dillard Dep't Stores, Inc.*, 357 F.3d 827, 829 (8th Cir. 2004). Having failed to allege the citizenship of its members in either its removal papers or Answer, Hudson has

not satisfied its burden of establishing subject matter jurisdiction. Unless Hudson establishes its citizenship by 5:00 p.m. on Monday, May 11, 2009, the Court will remand this action to state court. *See* 28 U.S.C. § 1447(c) (2006); *Carlson v. Arrowhead Concrete Works, Inc.*, 445 F.3d 1046, 1050 (8th Cir. 2006).

Based on the files, records, and proceedings herein, and for the reasons stated above, IT IS ORDERED THAT:

1. Hudson shall establish its citizenship by 5:00 p.m. on Monday, May 11, 2009.

Dated: May 5, 2009

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge