

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

North Star Grain International, LLC,

Plaintiff,

v.

Civil No. 09-617 (JNE/AJB)
ORDER

Hyundai Syscomm Corporation,

Defendant.

North Star Grain International, LLC (North Star), petitions the Court to confirm an arbitration award. North Star asserts that the Court has jurisdiction over this action 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 North Star's petition reveals that North Star's jurisdictional allegations are deficient.

North Star asserts that it is "a Minnesota limited liability company with its principal place of business" in Minnesota; that it is "a wholly-owned subsidiary of North Star Rail Intermodal, LLC, a Minnesota limited liability company"; that Hyundai Syscomm Corporation is "a California corporation with its principal place of business" in California; and that the amount in controversy exceeds \$75,000, exclusive of interest and costs. North Star properly alleges the citizenship of Hyundai Syscomm, *see id.* § 1332(c)(1), but does not properly allege its own.

For purposes of diversity jurisdiction, "an LLC's citizenship is that of its members." *GMAC Commercial Credit LLC v. Dillard Dep't Stores, Inc.*, 357 F.3d 827, 829 (8th Cir. 2004); *see OnePoint Solutions, LLC v. Borchert*, 486 F.3d 342, 346 (8th Cir. 2007). Having failed to allege the citizenship of its members, North Star has not satisfied its burden to establish subject matter jurisdiction. *See Sheehan v. Gustafson*, 967 F.2d 1214, 1215 (8th Cir. 1992). Unless

North Star establishes its citizenship by 5:00 p.m. on Friday, May 8, 2009, the Court will dismiss this action for lack of subject matter jurisdiction.

Based on the files, records, and proceedings herein, and for the reasons stated above, IT

IS ORDERED THAT:

1. North Star shall establish its citizenship by 5:00 p.m. on Friday, May 8, 2009.

Dated: May 1, 2009

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