

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

HANCOCK BANK

PLAINTIFF

V.

CIVIL ACTION NO. 2:16-CV-108-KS-MTP

**WILLOW SPRINGS ENTERPRISES,
INC., et al.**

DEFENDANTS

ORDER

“[F]ederal courts are courts of limited jurisdiction, having only the authority endowed by the Constitution and that conferred by Congress.” *Halmekangas v. State Farm Fire & Cas. Co.*, 603 F.3d 290, 292 (5th Cir. 2010). This Court has “original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between . . . citizens of different states.” 28 U.S.C. § 1332(a).

For diversity jurisdiction, the parties must be completely diverse. *Harvey v. Grey Wolf Drilling Co.*, 542 F.3d 1077, 1079 (5th Cir. 2008). “Complete diversity requires that all persons on one side of the controversy be citizens of different states than all persons on the other side.” *Id.* When determining whether the parties are completely diverse, the Court looks at their citizenship at the time the Complaint was filed. *Grupo Dataflux v. Atlas Global Group, L.P.*, 541 U.S. 567, 571, 124 S. Ct. 1920, 158 L. Ed. 2d 866 (2004). The citizenship of a limited liability company, limited partnership, or other unincorporated association “is determined by the citizenship of all of its members.” *Arena v. Graybar Elec. Co.*, 669 F.3d 214, 224 (5th Cir. 2012).

Plaintiff is a citizen of Mississippi. Therefore, for this Court to have diversity jurisdiction, all Defendants must be citizens of states other than Mississippi. According to Plaintiff's Complaint [1], Defendant Larsen & Keller, LLC "is a Pennsylvania limited liability corporation," but Plaintiff did not plead any facts regarding the citizenship of Larsen & Keller, LLC's members. Therefore, the Complaint contains insufficient information for the Court to determine whether it has subject matter jurisdiction over this case.

"The party seeking to invoke federal jurisdiction bears the burden of establishing . . . that the parties are diverse" *Garcia v. Koch Oil Co. of Tex., Inc.*, 351 F.3d 636, 639 (5th Cir. 2003). Accordingly, the Court orders Plaintiff to file a response to this Order on or before **February 1, 2017**, demonstrating that the parties to this case are completely diverse.

SO ORDERED AND ADJUDGED, on this, the 18th day of January, 2017.

s/Keith Starrett
UNITED STATES DISTRICT JUDGE