

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

THOMAS M. CASEY,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:16-CV-01386-CEJ
)	
WIDEWATERS HOTELS, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court *sua sponte* on the question of subject matter jurisdiction. See Fed. R. Civ. P. 12(h)(3).

Plaintiff initiated this action on August 29, 2016, invoking diversity jurisdiction based on diversity of citizenship. See 28 U.S.C. § 1332(a). Plaintiff alleges that he is a citizen and resident of the State of Illinois. He asserts that defendants Widewaters Hotels, LLC and Widewaters St. Louis Hotel Management Company, LLC are Delaware corporations and that The Widewaters Group, Inc. is a New York corporation. Plaintiff claims that these three entities did business in Missouri, and “operated, maintained and controlled a hotel” in Missouri. Plaintiff, however, has not alleged the state of the principal place of business for defendant The Widewaters Group, Inc. Moreover, plaintiff does not allege the identity and citizenship of the members of defendants Widewaters Hotels, LLC and Widewaters St. Louis Hotel Management Company, LLC in his complaint.

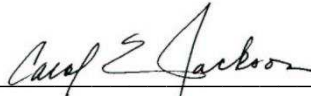
It is axiomatic that “diversity jurisdiction in a suit by or against the entity depends on the citizenship of ‘all [its] members.’” *Americold Realty Tr. v. Conagra Foods, Inc.*, 136 S. Ct. 1012, 1015 (2016) (quoting *Carden v. Arkoma Assoc.*, 494

U.S. 185, 195 (1990)). Limited liability corporations are subject to that rule; for diversity jurisdiction purposes LLCs are citizens of each state of which any of their members are citizens. *GMAC Commercial Credit, LLC v. Dillard Dep't. Stores, Inc.*, 357 F.3d 827, 829 (8th Cir. 2004). The "only exception to this rule is a corporation's citizenship." *Id.* at 828. A corporation's citizenship is determined by (1) every state by which it has been incorporated, and (2) the state where it has its principal place of business. See 28 U.S.C. § 1332(c)(1).

Therefore, subject matter jurisdiction on the basis of diversity requires the plaintiff to allege the citizenship of each member of a defendant limited liability corporation, as well as the principal place of business of a defendant corporation in his complaint.

Accordingly,

IT IS HEREBY ORDERED that plaintiff shall have until **September 21, 2016**, to file an amended complaint properly pleading the citizenship of the defendants and establishing subject matter jurisdiction. **Failure to comply with this order will result in dismissal of this action for lack of subject matter jurisdiction.**



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 8th day of September, 2016.