

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MEMORANDUM AND ORDER

On June 6, 2017, this Court ordered the defendant to file an amended notice of removal setting forth the members of each limited liability company party and the citizenship of each of those members. Defendants filed an amended notice stating that the members of plaintiff Inspired Pharm Solutions, LLC are citizens of the state of Missouri. That information is insufficient for the Court to examine the citizenship of each member of plaintiff. Furthermore, this Court is required to examine the parties for any potential conflicts of interest that the undersigned might possess. See 28 U.S.C. § 455.

Defendants state that defendant 5mRx LLC is comprised of ten members. Seven of those members are individuals, and defendants provide the individuals' citizenship information. Three of 5mRx's members, however, are LLCs. The Eighth Circuit has held that limited liability companies are citizens of every state of which any member is a citizen. *See GMAC Commercial Credit, LLC v. Dillard Dep't Stores, Inc.*, 357 F.3d 827,

829 (8th Cir. 2004). Thus, defendant must provide member names and citizenship for each of those LLC members. This matter is before the Court on review of the file following assignment to the undersigned.

Because it is the defendants' burden in this case to establish subject matter jurisdiction, *In re Business Men's Assur. Co. of America*, 992 F.2d 181, 183 (8th Cir. 1993), the Court will grant defendant twenty-one (21) days to file a second amended petition which alleges facts showing the existence of the requisite diversity of citizenship of the parties. If defendants fail to timely and fully comply with this Order, the Court will dismiss this matter without prejudice for lack of subject matter jurisdiction.

Accordingly,

IT IS HEREBY ORDERED that, by July 21, 2017, defendants shall file an amended notice of removal in accordance with this memorandum, setting forth the members of each limited liability company party and the citizenship of each of those members.

IT IS FURTHER ORDERED that if defendants do not timely and fully comply with this order, this matter will be remanded for lack of subject matter jurisdiction.

Dated this 29th day of June, 2017.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE