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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

LN MANAGEMENT LLC SERIES 7937
SIERRA RIM,

Plaintiff(s),

v.

BENJAMIN T. PFEIFFER, et al.,

Defendant(s).

Case No. 2:13-CV-1934 JCM (PAL)

ORDER

Presently before the court is Plaintiff LN Management LLC Series 7937 Sierra RIM's ("LN") response to this court's order to show cause as to why this case should not be dismissed for failure to prosecute. (ECF No. 105).

Plaintiff argues that the court instead lacks subject matter jurisdiction over this case and requests that the court remand the instant action to state court. (Id.). To that end, plaintiff indicates that the original residents of the property at issue (Benjamin and Sabrina Pfeiffer (the "Pfeiffers")), are Nevada residents that are defendants in the case while plaintiff is "a Nevada limited liability company" (ECF Nos. 1 at 2, 105); furthermore, the Ninth Circuit ruled in *Weeping Hollow Ave. Trust v. Spencer*, 831 F.3d 1110 (9th Cir. 2016) that the presence of a non-diverse former homeowner "divests the district court of diversity jurisdiction." Id. at 1114; see also *Johnson v. Columbia Properties Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006) (An LLC "is a citizen of every state of which its owners/members are citizens."); (ECF No. 1) (asserting fraudulent joinder as to the Pfeiffers).

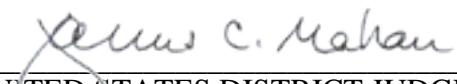
The court will order defendant CitiMortgage, Inc. to address the applicability of *Weeping Hollow* as to this case.

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Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, and DECREED that CitiMortgage, Inc. shall have seven (7) days from the date of this order to respond to LN's invocation of Weeping Hollow. No reply shall be permitted at this time.

DATED July 28, 2017.


UNITED STATES DISTRICT JUDGE