UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

CHAMPERY RENTAL REO, LLC,

Plaintiff,

v.

RAE NOLA EDWARDS; FEDERAL NATIONAL MORTGAGE ASSOCIATION; QUALITY LOAN SERVICE CORPORATION; KERN & ASSOCIATES, LTD.; SPRINGLAND VILLAGE HOMEOWNERS ASSOCIATION; All other persons unknown claiming any right, title, estate, lien or interest in the real property described in the Complaint adverse to Plaintiff's ownership, or any cloud upon Plaintiff's title thereto; DOES I through V; and ROE Corporations I through V,

Defendants.

Case No. 3:17-cv-00162-MMD-WGC

ORDER

FEDERAL NATIONAL MORTGAGE ASSOCIATION,

Counterclaimant,

v.

CHAMPERY RENTAL REO LLC,

Counter-Defendant.

On September 19, 2017, Plaintiff Champery Rental REO LLC ("Champery") filed an Amended Complaint (ECF No. 39) to reflect the substitution of former Plaintiff Hollyvale Rental Holdings LLC ("Hollyvale") and former Defendant Rae Nola Edwards. However, the Amended Complaint also added two new parties as defendants—Kern & Associates

Ltd. ("Kern") and Springland Village Homeowners Association ("Springland")—without leave of Court as is required under Federal Rule of Civil Procedure 15(a)(2). While the Court had permitted substitution of Plaintiff Champery for Hollyvale (ECF No. 38) and substitution of Defendant Unknown Heirs of Rae Nola Edwards ("Unknown Heirs") for Rae Nola Edwards (ECF No. 25), it did not permit the addition of new defendants. Therefore, the Court will strike Champery's Amended Complaint (ECF No. 39) with leave for Champery to file a second amended complaint to reflect the substitution of Champery and Unknown Heirs. In light of these substitutions, the Court denies former Plaintiff Hollyvale's Motion to Remand (ECF No. 17) without prejudice, as that motion failed to address the citizenship of Champery[1] or whether and how the Court should consider the citizenship of Unknown Heirs in its analysis of jurisdiction.[2]

It is therefore ordered that Hollyvale's Motion to Remand (ECF No. 17) is denied without prejudice. Champery may file a new motion to remand within seven (7) days of this order.

The Clerk is instructed to strike Champery's Amended Complaint (ECF No. 39). Champery must file a second amended complaint omitting the added parties—Kern and Springland—and including only the substituted parties—Champery and Unknown Heirs—within seven (7) days of this order. Failure to file a second amended complaint within that time will result in dismissal of this case.

DATED this 27th day of October 2017.

MIRANDA DU
UNITED STATES DISTRICT JUDGE

[1]An LLC is a citizen of every state of which its owners/members are citizens. *Johnson v. Columbia Props. Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006).

[2]It is unclear whether Unknown Heirs constitute "fictitious defendants" for purposes of determining diversity jurisdiction. *See* 28 U.S.C. § 1441(b)(1) ("In determining whether a civil action is removable on the basis of [diversity jurisdiction], the citizenship of defendants sued under fictitious names shall be disregarded.")