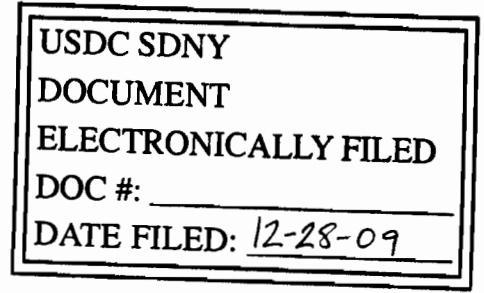


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



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:  
MILES MATSAMURA, :  
:  
                                  Plaintiff, :  
:  
                                  -v- :  
:  
SMART LLC d/b/a SMART TUITION and :  
SMART LLC, :  
                                  Defendants. :  
:  
-----X

08 Civ. 5701 (DLC)

ORDER

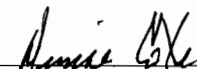
DENISE COTE, District Judge:

Pursuant to the December 15, 2009 Order to Show Cause, plaintiff's counsel submitted a declaration on December 23 which states that, inter alia, defendant Smart LLC's Rule 7.1 Statement filed on September 8, 2008 indicated that Smart LLC was a subsidiary of PP-I Acquisitions, S.A., "a privately held corporation." By letter dated December 1, 2009, however, Smart LLC reported that it is a subsidiary of PP-I Acquisitions, LLC. By letter dated December 14, 2009, Smart LLC reported that as of November 30, 2009, three of the members of PP-I Acquisitions, LLC were citizens of New Jersey. The December 14 letter did not indicate the citizenship of the members of PP-I Acquisitions LLC as of June 25 2008, the date this action was commenced. Smart LLC did not submit any response to the December 15 Order to Show Cause. It is hereby

ORDERED that defendant Smart LLC must submit a letter by **January 8, 2010** clarifying its citizenship as of June 25, 2008. Smart LLC's letter shall address, but is not limited to, the following: (1) whether PP-I Acquisitions was the sole member of Smart LLC as of June 25, 2008; (2) whether PP-I Acquisitions was a private corporation or a limited liability company ("LLC") as of June 25, 2008; (3) if PP-I Acquisitions was a private corporation as of June 25, 2008, its state of incorporation and principal place of business as of that date; (4) if PP-I Acquisitions was a LLC as of June 25, 2008, whether any of its members were citizens of New Jersey as of that date; and (5) any additional information relevant to determining the citizenship of Smart LLC as of June 25, 2008.

SO ORDERED:

Dated: New York, New York  
December 28, 2009



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DENISE COTE

United States District Judge