

United States District Court
Southern District of New York

BERKSHIRE II REAL ESTATE HOLDINGS,
LLC, A/K/A BERKSHIRE REALTY GROUP,
LLC,

Plaintiff,

- against -

CENTRO HISPANO DANIEL TORRES, INC.
A/K/A HISPANIC CENTER DANIEL TORRES,
INC., AND FAMILY COUNSELING CENTER
A/K/A FAMILI CARE COUNSELING CENTER,
AND FIREMAN'S FUND INSURANCE COMPANY,

Defendants.

12 Civ. 3936 (JGK)

MEMORANDUM OPINION AND
ORDER

JOHN G. KOELTL, District Judge:

The plaintiff is directed to explain to the Court by **June 27, 2012** why this action should not be dismissed for lack of subject matter jurisdiction in view of the fact that complete diversity appears to be lacking under 28 U.S.C. § 1332.

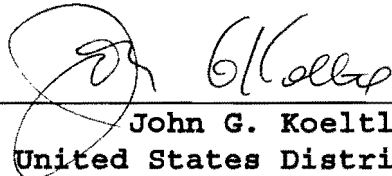
According to the letter submitted by the plaintiff, at least two members of the limited liability company Berkshire Realty Group, LLC are citizens of New York, and a limited liability corporation has the citizenship of each of its members for the purposes of diversity jurisdiction. See Handelsman v. Bedford Vill. Assocs. Ltd. P'ship, 213 F.3d 48, 51-52 (2d Cir. 2000). Moreover, the complaint alleges that each of the defendant corporations was incorporated under the laws of New York. A

corporation has the citizenship of both its place of incorporation and its principal place of business for the purposes of diversity jurisdiction. See 28 U.S.C. § 1332(c); Sty-Lite Co. v. Eminent Sportswear Inc., 115 F. Supp. 2d 394, 398 (S.D.N.Y. 2000) ("[I]f either the corporation's place of incorporation or principal place of business destroys diversity, then the courts will not have diversity jurisdiction.").

Accordingly, the plaintiff should show cause why this case should not be dismissed for lack of complete diversity given that one of the plaintiffs and all of the defendants appear to be citizens of New York.

SO ORDERED.

Dated: New York, New York
June 12, 2012



John G. Koeltl
United States District Judge