

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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INTL HANLEY, LLC,

Plaintiff,

-against-

MEMORANDUM OPINION  
AND ORDER

12 Civ. 7493 (MGC)

FRANGOS PIONEIRO INDUSTRIAIE  
COMERCIO DE ALIMENTOS LTDA,

Defendant.

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**Cedarbaum, J.**

INTL Hanley, LLC moves for a default judgment against Frangos Pioneiro Industriae Comercio de Alimentos LTDA in this diversity action. For the following reasons, the motion is denied and the complaint is dismissed.

A limited liability company's citizenship for diversity purposes is the citizenship of its members. Handelsman v. Bedford Vill. Assocs. Ltd. P'ship, 213 F.3d 48, 52-53 (2d Cir. 2000). The complaint does not contain sufficient allegations regarding either the plaintiff or defendant to establish diversity jurisdiction. I explained this deficiency to INTL Hanley's counsel at a conference on March 19, 2013. I instructed INTL Hanley that should it wish to make a motion for default judgment, it must submit information on the citizenship of the members of both parties. INTL Hanley failed to do so. Furthermore, counsel for INTL Hanley failed to appear on the

return date for the default judgment motion, even though this return date was selected by counsel.

Accordingly, INTL Hanley's motion for default judgment is denied. The complaint is dismissed for failure to establish subject matter jurisdiction. The clerk is directed to close the case.

SO ORDERED.

Dated: New York, New York  
May 23, 2013

S/ \_\_\_\_\_  
MIRIAM GOLDMAN CEDARBAUM  
United States District Judge