

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NAUTILUS INSURANCE CO.,

Plaintiff,

-v-

REVITY ENERGY LLC,

Defendant.

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21-CV-9525 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

Plaintiff Nautilus Insurance Co. brings this action against Defendant Revity Energy LLC, invoking the Court’s subject matter jurisdiction on the ground of diversity of citizenship. *See* 28 U.S.C. § 1332. Plaintiff alleges that it is incorporated in Arizona and has its principal place of business in Arizona as well. *See* ECF No. 1 (“Compl.”) ¶ 1. Plaintiff alleges that Defendant Revity Energy LLC is incorporated in Delaware and has its principal place of business in Rhode Island. *See id.* ¶ 2.

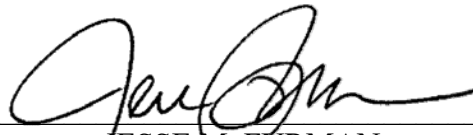
It is well established that a limited liability company (“LLC”) is deemed to be a citizen of each state of which its members are citizens. *See, e.g., Handelsman v. Bedford Vill. Assocs. L.P.*, 213 F.3d 48, 51-52 (2d Cir. 2000); *see also Altissima Ltd. v. One Niagara LLC*, No. 08-CV-756S(M), 2010 WL 3504798, at *2 (W.D.N.Y. Sept. 2, 2010) (noting that every other Court of Appeals to have considered LLC citizenship has held that an LLC has the citizenship of all of its members). Thus, a complaint premised upon diversity of citizenship must allege the citizenship of natural persons who are members of an LLC and the place of incorporation and principal place of business of any corporate entities that are members of the LLC (including the citizenship of any members of the LLC that are themselves LLCs). *See Handelsman*, 213 F.3d at

51-52; *see also, e.g., In re Bank of Am. Corp. Sec., Derivatives, and ERISA Litig.*, 757 F. Supp. 2d 260, 334 n.17 (S.D.N.Y. 2010). In the present case, the Complaint fails to do so.

Accordingly, it is hereby ORDERED that, on or before **December 9, 2021**, the Plaintiff shall amend its Complaint to allege the citizenship of each constituent person or entity comprising Defendant Revity Energy LLC. If, by that date, the Plaintiff is unable to amend the Complaint to truthfully allege complete diversity of citizenship, then the Complaint will be dismissed for lack of subject matter jurisdiction without further notice to either party.

SO ORDERED.

Dated: November 18, 2021
New York, New York



JESSE M. FURMAN
United States District Judge