

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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|--|-------------|---|--------------------|
| -----X | | : | |
| MICHAEL FORSTL, | | : | |
| | Plaintiff, | : | |
| | | : | 24 Civ. 5691 (JPC) |
| -v- | | : | |
| | | : | <u>ORDER</u> |
| MORGAN CREEK CAPITAL MANAGEMENT, LLC <i>et</i> | | : | |
| <i>al.</i> , | | : | |
| | Defendants. | : | |
| -----X | | : | |

JOHN P. CRONAN, United States District Judge:

Plaintiff filed his Complaint on July 26, 2024, invoking the Court’s subject matter jurisdiction on the ground of diversity of citizenship under 28 U.S.C. § 1332. Dkt. 1 ¶ 7. According to the Complaint, Defendant Morgan Creek Capital Management, LLC “is an investment advisor organized under the laws of Delaware with its principal place of business in Chapel Hill, North Carolina.” *Id.* ¶ 10.

A limited liability company (“LLC”) takes the citizenship of its members. *See Handelsman v. Bedford Vill. Assocs. L.P.*, 213 F.3d 48, 51-52 (2d Cir. 2000); *see also Brady v. IGS Realty Co.*, No. 19 Civ. 10142 (PAE), 2020 WL 5414683, at *10 (S.D.N.Y. Sept. 8, 2020). A complaint premised upon diversity of citizenship must therefore allege the citizenship of natural persons who are members of an LLC as well as the place of incorporation and principal place of business of any corporate entities that are members of the LLC. *See Handelsman*, 213 F.3d at 51-52; *see, e.g., New Millennium Cap. Partners, III, LLC v. Juniper Grp. Inc.*, No. 10 Civ. 46 (PKC), 2010 WL 1257325, at *1 (S.D.N.Y. Mar. 26, 2010). Here, the Complaint alleges only the place of organization and principal place of business of Morgan Creek Capital Management itself. It does not allege the citizenship of any of its members, as is required for purposes of diversity jurisdiction.

Accordingly, it is hereby ORDERED that by August 5, 2024, Plaintiff shall amend his Complaint to allege the citizenship of each of Morgan Creek Capital Management's members. If Plaintiff fails to amend the Complaint by that date, or otherwise properly establish this Court's jurisdiction pursuant to 28 U.S.C. § 1332(a)(2), the Court may dismiss this action for lack of subject matter jurisdiction without further notice.

SO ORDERED.

Dated: July 29, 2024
New York, New York



JOHN P. CRONAN
United States District Judge