UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

---X

ERC SPECIALISTS, LLC,   :
                                                          :
                                   Plaintiff,   :
                     -against-   :
                                                          :   24-cv-8044 (VEC)
                                                          :
FRAUD.NET, INC.,   :   ORDER
                                                          :
                                   Defendant.   :
---X

VALERIE CAPRONI, United States District Judge:

WHEREAS on October 23, 2024, Plaintiff filed its Complaint, Compl., Dkt. 1;

WHEREAS Plaintiff alleges that this Court's subject matter jurisdiction in this matter is premised on diversity, *id.* ¶ 4;

WHEREAS "a limited liability company has the citizenship of its members," *see Jean-Louis v. Carrington Mortg. Servs., LLC*, 849 F. App'x 296, 298 (2d Cir. 2021);

WHEREAS 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 v. Bedford Vill. Assocs. L.P.*, 213 F.3d 48, 51–52 (2d Cir. 2000); *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);

WHEREAS the Complaint alleges that Plaintiff ERC Specialists, LLC is a limited liability company that has its principal place of business in Orem, Utah, *see* Compl. ¶ 6; and
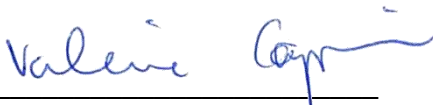
WHEREAS the Complaint makes no allegations as to the place of Plaintiff's incorporation; the place of incorporation and principal place of business of any corporate entities

that are members of Plaintiff; or the citizenship of any natural persons who are members of

Plaintiff, if any;

IT IS HEREBY ORDERED that by no later than **Monday, October 28, 2024**, Plaintiff

must file an amended complaint that cures the deficiencies described herein or the complaint will

be dismissed without prejudice for lack of subject matter jurisdiction.

SO ORDERED.

Date: **October 23, 2024**
       New York, New York

_____
      VALERIE CAPRONI
      United States District Judge