

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:11-cv-332

AMERICAN AUTOMOBILE INSURANCE )  
COMPANY, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
HOWARD JACOBS, an individual; )  
JAMES ARMOUR, an individual; and )  
4449 HOLDINGS, LLC, a Limited )  
Liability Corporation, )  
 )  
Defendants. )  
\_\_\_\_\_ )

ORDER

THIS MATTER is before the Court *sua sponte* to ascertain subject matter jurisdiction.

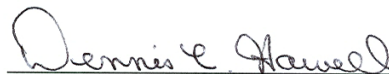
The Plaintiff alleges in the Complaint (#1) that the Defendant 4449 Holdings, LLC is a limited liability company organized and existing under the laws of the State of Florida and doing business in the state of North Carolina.

Courts have an affirmative duty to question subject matter jurisdiction even when the parties have not done so. Interstate Petroleum Corp. v. Morgan, 249 F.3d 215 (4<sup>th</sup> Cir. 2001); Plyer v. Moore, 129 F.3d 728, 732 n.6 (4th Cir. 1997), *certiorari denied* 524 U.S. 945, 118 S.Ct. 2359, 141 L.Ed.2d 727 (1998); 28 U.S.C. §1447(c)("If at any time before final judgment it appears that the district court lacks

subject matter jurisdiction, the case shall be remanded." ). A limited liability company is a citizen of all states in which its constituent members are citizens. Carden v. Arkoma Associates, 494 U.S. 185, 110 S.Ct. 1015, 108 L.Ed.2d 157 (1990). The Plaintiff has disclosed some information regarding the constituent members or partners but has not provided enough information from which this court can determine whether or not there is diversity jurisdiction. .

**IT IS, THEREFORE, ORDERED** that on or before December 10, 2012, the Defendant 4449 Holdings, LLC shall file a response disclosing the names and citizenships, if any, of all the constituent members or partners of the above referenced LLC, and, for any such constituent members or partners that are limited liability companies or partnerships, to identify the citizenships of the respective constituent members or partners until all such constituents are fully identified.

Signed: November 27, 2012



Dennis L. Howell  
United States Magistrate Judge

