

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:12-cv-233

ELLIOTT ELECTRIC SUPPLY, INC., a)
Texas corporation,)
)
Plaintiff,)
)
vs.)
)
LRE ROYAL ELECTRIC, LLC, an)
Oklahoma limited liability company)
[also known as LRE/Royal Electric, LLC],)
TURNER CONSTRUCTION COMPANY,)
a New York corporation, and)
EMPLOYERS MUTUAL CASUALTY)
COMPANY, an Iowa corporation,)
)
Defendants.)
_____)

ORDER

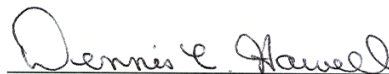
THIS MATTER is before the Court *sua sponte* to ascertain subject matter jurisdiction. The Plaintiff filed this Complaint (#1-1) based upon diversity jurisdiction. In the Complaint, the Plaintiff alleges that LRE Royal Electric, LLC has been a duly authorized and existing Oklahoma limited liability company and is authorized to do business in the state of North Carolina as LRE/Royal Electric, LLC. The Defendant has admitted that allegation.

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 (4th 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 Defendant LRE Royal Electric, LLC a/k/a LRE/Royal Electric, LLC
has not disclosed whether it has constituent members or partners and where those
constituent members or partners have their citizenship and therefore will be
required to do so.

IT IS, THEREFORE, ORDERED that on or before November 27, 2012,
the Defendant LRE Royal Electric, LLC a/k/a LRE/Royal Electric, LLC shall file a
response disclosing the names and citizenships of all the constituent members or
partners of LRE Royal Electric, LLC a/k/a LRE/Royal Electric, LLC and to identify
the citizenships of the respective constituent members or partners until all such
constituents are fully identified.

Signed: November 7, 2012



Dennis L. Howell
United States Magistrate Judge

