

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:13-cv-165**

**JOSEPH M. WILKINS and MARY
ANNE WILKINS,**

Plaintiffs,

vs.

BELMONT INDUSTRIES INC., et al.,

Defendants.

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ORDER

THIS MATTER is before the Court *sua sponte* to ascertain subject matter jurisdiction. The Plaintiffs have filed this action alleging jurisdiction in this Court based upon diversity jurisdiction (#1). In the Complaint, Plaintiffs alleges that Defendant Grinnell LLC is a corporation organized and existing under the laws of the state of New Hampshire and Sterling Fluid Systems (USA) LLC is a corporation organized and existing under the law of the state of Delaware.

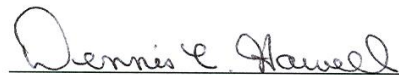
Courts have an affirmative duty to question subject matter jurisdiction even when the parties have not done so. Interstate Petroleum Corp. v. Morgan, 249 F.3d 215 (4th Cir. 2001); Plyer v. Moore, 129 F.3d 728, 732 n.6 (4th Cir. 1997), *certiorari denied* 524 U.S. 945, 118 S.Ct. 2359, 141 L.Ed.2d 727 (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). There has not been disclosed in the Complaint whether Defendants Grinnell LLC or Sterling Fluid Systems (USA) LLC have constituent members or partners and the addresses of those constituent members or partners and therefore will be required to do so.

ORDER

IT IS, THEREFORE, ORDERED that on or before **November 25, 2013**, the Defendants Grinnell LLC and Sterling Fluid Systems (USA) LLC shall file a response disclosing the names and citizenships, if any, of all the constituent members or partners of the above referenced LLC’s, and for any such constituent members or partners that are limited liability companies or partnerships shall identify the citizenships of the respective constituent members or partners until all such constituents are fully identified.

Signed: October 23, 2013

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Dennis L. Howell
United States Magistrate Judge

