

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION
2:12-cv-34**

GREAT OAK NC LENDER, LLC,)
)
 Plaintiff,)
)
 vs.)
)
 MARSHALL E. CORNBUM and wife,)
 MADLINE H. CORNBUM; MICHAEL)
 CORNBUM and wife, CAROLYN)
 CORNBUM; and LONGBRANCH)
 PROPERTIES, LLC,)
)
 Defendants.)
 _____)

ORDER

THIS MATTER is before the Court *sua sponte* to ascertain subject matter jurisdiction. In the Complaint (#52) the Plaintiff has alleged that it is a Delaware limited liability company and its sole member is Great Oak Pool I, LLC, which is also a Delaware limited liability company. The Plaintiff further alleges that the Defendant Longbranch Properties, LLC is a North Carolina limited liability company and makes allegations concerning the membership of the company but those allegations are made upon “information and belief”.

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 Plaintiff has not disclosed, in the Complaint (#52), all of the constituent members or partners, including those of Great Oak Pool I, LLC and therefore will be required to do so.

ORDER

IT IS, THEREFORE, ORDERED that on or before **March 19, 2014**, the Plaintiff shall file a response disclosing the names and citizenships, if any, of all the constituent members or partners of the above Great Oak NC Lender, LLC and for any such constituent members or partners that is a limited liability company or partnership to identify the citizenships of the respective constituent members or partners until all such constituents are fully identified.

Signed: March 5, 2014



Dennis L. Howell
United States Magistrate Judge

