

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

2509 Hayes, LLC,

Case No. 3:19-cv-1541

Plaintiff

v.

MEMORANDUM OPINION
AND ORDER

Kyklos Bearing International, LLC, et al.,

Defendants

In accordance with my previous Order, Plaintiff 2509 Hayes, LLC filed its Third Amended Complaint along with declarations regarding the citizenships of its members. After reviewing these filing, I conclude this case must be remanded to the Erie County Court of Common Pleas.

As I stated in my previous Memorandum Opinion and Order:

Removal is proper only if the district court has original jurisdiction over the case. 28 U.S.C. § 1441(a). In removing this case, AAM Holdings asserted I had original diversity jurisdiction. (Doc. No. 1). To satisfy the diversity requirements of diversity jurisdiction here, the dispute must be between citizens of different states. 28 U.S.C. § 1332(a)(1). “[A] limited liability company has the citizenship of each of its members.” *Delay v. Rosenthal Collins Grp., LLC*, 585 F.3d 1003, 1005 (6th Cir. 2009).

(Doc. No. 23 at 2). In the notice of removal, Defendant American Axle & Manufacturing Holdings, Inc. stated it and Defendant Kyklos Bearing International, LLC were each citizens of both Delaware and Michigan. (Doc. No. 1 at 2-3). Accordingly, I advised that this case must be remanded if any member of Plaintiff 2509 Hayes, LLC was a citizen of Michigan or Delaware. (Doc. No. 23 at 2).

In its Third Amended Complaint, Plaintiff alleged one of its members at the relevant times was Franklin Sandusky Investors LLC and filed a signed attestation in support of this fact. (Doc.

No. 29 at 1-2; Doc. No. 29-7). Like the LLC Plaintiff itself, the citizenship of Plaintiff's LLC member is "the citizenship of each of its members." *Delay*, 585 F.3d at 1005. In this case, the members of Franklin Sandusky Investors LLC were each individuals as alleged in the Third Amended Complaint and attested by a member of Franklin Sandusky Investors LLC. (Doc. No. 29 at 2; Doc. No. 29-10). According to the Third Amended Complaint as well as these individuals' signed attestations, two of these individual members were and are domiciled in Michigan. (Doc. No. 29 at 2-3); Doc. No. 29-16; Doc. No. 29-17).

Because two members of Franklin Sandusky Investors LLC were citizens of Michigan, Franklin Sandusky Investors LLC is a citizen of Michigan. In turn, because Franklin Sandusky Investors LLC is a citizen of Michigan, Plaintiff is a citizen of Michigan. Therefore, because diversity of citizenship does not exist, I lack subject matter jurisdiction over this action and hereby remand the matter to the Erie County Court of Common Pleas. 28 U.S.C. § 1447(c).

So Ordered.

s/ Jeffrey J. Helmick
United States District Judge