## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF OHIO EASTERN DIVISION

HILLS AND HOLLERS, LLC,

Plaintiff,

Case No. 2:16-cv-747 CHIEF JUDGE EDMUND A. SARGUS, JR. Magistrate Judge Kimberly A. Jolson

v.

OHIO GATHERING COMPANY, LLC,

Defendant.

## **OPINION AND ORDER**

Plaintiff Hills and Hollers, LLC brings this case under 28 U.S.C. § 1332(a), which provides for a district court's subject matter jurisdiction over civil actions where the matter in controversy exceeds \$75,000, exclusive of interest and costs, and is between citizens of different states. (Compl. ¶ 3 [ECF No. 1].) In its Complaint, Plaintiff alleges that it is a citizen of Ohio and that Defendant Ohio Gathering Company, LLC is not. (See id. ¶¶ 1–2.)

Defendant has moved under Federal Rule of Civil Procedure 12(b)(1) to dismiss this case for lack of subject matter jurisdiction. Defendant asserts that it is a citizen of Ohio, among other states, because at least one of its members is a citizen of Ohio. (Mot. to Dismiss at 2 [ECF No. 10]; Sean McKendry Decl. at 1–2 [ECF No. 10-1].) After reviewing Defendant's Motion to Dismiss and conducting informal discovery, Plaintiff has indicated that it agrees with Defendant's assessment: Defendant is a citizen of Ohio, and complete diversity of citizenship—as required under § 1332(a)—does not exist in this case. (Resp. at 1 [ECF No. 18].) Plaintiff requests that the case be dismissed without prejudice to it being filed in an appropriate state court venue. (*Id.*)

After reviewing the parties' filings, and in light of Plaintiff's concession that subject matter jurisdiction is lacking here, the Court **GRANTS** Defendant's Motion to Dismiss [ECF No. 10] and **DISMISSES** this case without prejudice to it being filed in an appropriate venue.

IT IS SO ORDERED.

1-30-4017 DATE

EDMUND A. SARGUS, JR.

CHIEF UNITED STATES DISTRICT JUDGE