

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

**CBC ENGINEERS & ASSOCIATES,
LTD,**

Plaintiff,

Case No. 3:12-CV-125

Judge Thomas M. Rose

-v-

MILLER AVIATION, LLC, et al,

Defendants.

**ORDER REQUIRING PLAINTIFF CBC AND DEFENDANT LIMITED
LIABILITY COMPANIES TO INFORM THE COURT NOT LATER THAN
MAY 22, 2012, OF THE NAME AND CITIZENSHIP OF EACH MEMBER**

The Plaintiff in this matter is CBC Engineers & Associates, Ltd. (“CBC”). CBC identifies itself in its complaint as an Ohio Limited Liability Company (“LLC”).

The Defendants in this matter are Miller Aviation LLC, and East Central Indiana Twin LLC, Mick Air LLC, Miller Air LLC, DBM Aviation LLC, Golden Eagle 43 LLC , USA Charter, Inc., Mill Air LLC and the Estate of David Miller. These Defendants have removed this matter to this Court based upon this Court having diversity jurisdiction. However, this Court is unable to determine if it has the power to adjudicate this matter.

The Plaintiff and some of the Defendants in this matter are LLCs, and subject matter jurisdiction is based upon diversity of citizenship. Thus, for diversity of citizenship to exist, the Plaintiffs’ citizenships must be diverse from the Defendant LLCs’ citizenships.

The Notice of Removal indicates that the Defendant LLCs have their principle places of businesses in Indiana. The Plaintiffs plead that their citizenship is in Ohio. But this is not enough information for the Court to determine if diversity of citizenship exists.

“The general rule is that all unincorporated entities - of which a limited liability company is one - have the citizenship of each partner or member.” *Delay v. Rosenthal Collins Group, LLC*, 585 F.3d 1003, 1005 (6th Cir. 2009). Thus, without confirming the citizenship of each member of the Plaintiff limited liability company and the Defendant limited liability companies, the Court cannot confirm that it has subject matter jurisdiction to proceed. Therefore, Plaintiff CBC and Defendants Miller Aviation LLC; East Central Indiana Twin LLC, Mick Air LLC, Miller Air LLC, DBM Aviation LLC, Golden Eagle LLC and Mill Air LLC are given until not later than May 22, 2012, to inform the Court of the name and citizenship of each member.

DONE and **ORDERED** in Dayton, Ohio this Seventh Day of May, 2012.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record