

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

**LEVTEC, LLC**

**Case No. 3:14-CV-276**

**Plaintiff,**

**Judge Thomas M. Rose**

**-v-**

**MICHELLE BARKAN, et al.,**

**Defendants.**

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**ORDER REQUIRING LEVTEC, LLC AND BARKAN ADVERTISING, LLC  
TO INFORM THE COURT NOT LATER THAN SEPTEMBER 25, 2014, OF  
THE NAME AND CITIZENSHIP OF EACH PARTNER**

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The Complaint in this matter was filed in the Common Pleas Court of Montgomery County, Ohio on July 6, 2014. (Doc. #2.) It was then removed to this Court by the Defendants on August 11, 2014. (Doc. #1.)

The removal was contingent upon this Court having subject matter jurisdiction based upon the diversity of citizenship of the Parties. For diversity of citizenship to exist, the Plaintiff's citizenship must be diverse from the Defendants' citizenships. However, this Court cannot determine whether diversity of citizenship exists, and thus cannot determine if it has the power to adjudicate this matter.

The Notice of Removal indicates that Plaintiff Levtec, LLC and Defendant Barkan Advertising, LLC are limited liability companies. "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 Levtec, LLC and Barkan Advertising,

LLC, the Court cannot confirm that it has subject matter jurisdiction to proceed. Therefore, Levtec, LLC and Barkan Advertising, LLC, are each given until not later than September 25, 2014, to inform the Court of the name and citizenship of each of their partners.

**DONE and ORDERED** in Dayton, Ohio this Twenty-Fifth Day of August, 2014.

**s/Thomas M. Rose**

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record