

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

**DAVID J. PARILLO, et al.,**

**Plaintiffs,**

**-v-**

**NEW WERNER CO., d/b/a WERNER CO.,  
et al,**

**Defendants.**

**Case No. 3:14-cv-369**

**Judge Thomas M. Rose**

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**ORDER REQUIRING DEFENDANT NEW WERNER HOLDING CO (DE)  
LLC TO INFORM THE COURT NOT LATER THAN NOVEMBER 12,  
2014, OF THE NAME AND CITIZENSHIP OF EACH MEMBER**

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The Complaint filed in this matter identifies Defendant New Werner Holding Co (DE), LLC as a limited liability company. This case was removed to this Court by New Werner Holding Co. (DE), LLC, among others, based upon this Court having subject matter jurisdiction based upon diversity of citizenship. However, this Court is unable to determine if it has the power to adjudicate this matter.

One Defendant in this matter may be a limited liability company, and subject matter jurisdiction is based upon diversity of citizenship. For diversity of citizenship to exist, the Plaintiff's citizenship must be diverse from, among others, the Defendant LLC's citizenship.

"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 Defendant New Werner Holding Co (DE), LLC, the Court cannot confirm that diversity of citizenship exists and that it has subject matter jurisdiction to proceed. Therefore,

Defendant New Werner Holding Co (DE), LLC is given until not later than November 12, 2014, to inform the Court of the name and citizenship of each member.

**DONE** and **ORDERED** in Dayton, Ohio this Fourth Day of November, 2014.

**s/Thomas M. Rose**

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record