

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

LIBERTY MUTUAL FIRE INSURANCE)
COMPANY,)
)
Plaintiff,)
)
v.) Case No. CIV-17-863-D
)
PROFESSIONAL SERVICE GROUP, LLC,)
)
Defendant.)

ORDER

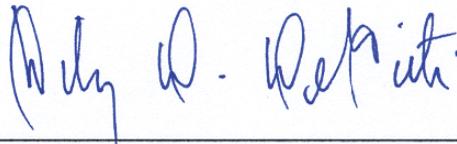
Upon examination of the Complaint, the Court finds insufficient factual allegations to establish subject matter jurisdiction based on diversity of citizenship under 28 U.S.C. § 1332(a), as asserted by Plaintiff.¹ *See* Compl. [Doc. No. 1], ¶ 3. First, the Complaint states: “Plaintiff is a Wisconsin company with its principal place of business in Boston, Massachusetts.” *Id.* ¶ 1. This may mean Plaintiff is a corporation and it has been incorporated by the State of Wisconsin, but the allegation does not unambiguously establish Plaintiff’s citizenship under 28 U.S.C. § 1332(c)(1). Second, the Complaint states: “Defendant is a Delaware limited liability company.” *Id.*, ¶ 2. A limited liability company is not treated like a corporation under 28 U.S.C. § 1332(c)(1), but like a

¹ The Court has “an independent obligation to determine whether subject-matter jurisdiction exists” and may raise the issue *sua sponte* at any time. *See Image Software, Inc. v. Reynolds & Reynolds Co.*, 459 F.3d 1044, 1048 (10th Cir. 2006); *see also Arbaugh v. Y&H Corp.*, 546 U.S. 500, 514 (2006) (federal courts “have an independent obligation to determine whether subject-matter jurisdiction exists, even in the absence of a challenge from any party”).

limited partnership or other unincorporated association under *Carden v. Arkoma Assocs.*, 494 U.S. 185, 195-96 (1990). See *Siloam Springs Hotel, L.L.C. v. Century Surety Co.*, 781 F.3d 1233, 1237-38 (10th Cir. 2015); see also *Mgmt. Nominees, Inc. v. Alderney Invs., LLC*, 813 F.3d 1321, 1325 (10th Cir. 2016). The Complaint does not identify Defendant's members or state their citizenship and thus fails to allege Defendant's citizenship. Therefore, the Complaint fails to establish complete diversity of citizenship.

IT IS THEREFORE ORDERED that Plaintiff shall file an amended complaint that states a sufficient factual basis for diversity jurisdiction within 14 days from the date of this Order.

IT IS SO ORDERED this 16th day of August, 2017.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE