

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

WORLD CLASS TECHNOLOGY  
CORPORATION, an Oregon  
corporation,

3:13-CV-00441-BR

ORDER

Plaintiff,

v.

ORMCO CORPORATION, a  
Delaware corporation,

Defendant.

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**BROWN, Judge.**

On March 14, 2013, Defendant Ormco Corporation removed this case from Multnomah County Circuit Court to federal court asserting this Court has subject-matter jurisdiction pursuant to

28 U.S.C. § 1332(a) because the amount in controversy exceeds \$75,000 and the parties are of diverse citizenship.

The Court notes Steven Schwarz in his Declaration in support of Ormco's removal of this case to federal court identifies Ormco as a limited liability company incorporated in Delaware<sup>1</sup> and states none of Ormco's members are citizens of the State of Oregon. Schwarz's Declaration, however, does not establish the requisite complete diversity of Ormco's members because Schwarz does not identify each member's state of citizenship. See *Johnson v. Columbia Props. Anchorage, LP*, 437 F.3d 894, 899 (9<sup>th</sup> Cir. 2006) ("For purposes of diversity jurisdiction, a limited liability corporation is a citizen of all of the states of which its owners/members are citizens."). To establish complete diversity, a notice of removal from state court must set out "the citizenship of the partners and members" of the LLC. *Lindley Contours, LLC v. AABB Fitness Holdings, Inc.*, 414 Fed. App'x 62, 64 (9<sup>th</sup> Cir. 2011).

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<sup>1</sup> Although Plaintiff's caption in its Complaint filed in Multnomah County Circuit Court (attached as an exhibit to Defendant's Notice of Removal) describes Ormco as a California corporation, Plaintiff in the text of its Complaint and Ormco in its Notice of Removal (#1) and Amended Answer (#19) state Ormco is a Delaware corporation with its principal place of business in California. The Court, therefore, directs the Clerk to correct the caption in this case to describe Ormco as a Delaware corporation.

Accordingly, the Court orders Defendant Ormco **within ten (10) days** of the date of this Order to identify the state citizenship of each member of Ormco Corporation.

IT IS SO ORDERED.

DATED this 22nd day of April, 2013.

/s/ Anna J. Brown

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ANNA J. BROWN

United States District Judge