

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

BCM MAJESTIC CORP.,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.
VS.)	
)	3:08-CV-2172-G
PATS AIRCRAFT, LLC,)	
)	ECF
Defendant.)	

AMENDED MEMORANDUM OPINION AND ORDER

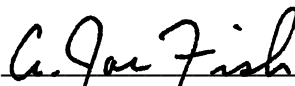
This court is required to examine the basis for its subject matter jurisdiction, on its own motion if necessary. *Torres v. Southern Peru Copper Corp.*, 113 F.3d 540, 542 (5th Cir. 1997). Diversity of citizenship is alleged as the basis for subject matter jurisdiction in this case. Notice of Removal ¶ 2. The plaintiff is alleged to be “a corporation organized and existing under the laws of the State of Nevada with its principal place of business in the State of Texas.” *Id.* The defendant is alleged to be “a limited liability company duly organized and existing under the laws of the State of Delaware with its principal place of business in Delaware.” *Id.*

Diversity of citizenship jurisdiction requires that the citizenship of the plaintiff must be different from the citizenship of the defendant. *Strawbridge v. Curtiss*, 7 U.S. 267 (1806). Generally, the citizenship of artificial entities other than corporations is determined by the citizenship of their members. See *Carden v. Arkoma Associates*, 494 U.S. 185 (1990). This rule applies to limited liability companies such as the defendant. *E.g.*, *Wise v. Wachovia Securities, LLC*, 450 F.3D 265, 267 (7th Cir.), *cert. denied*, ___ U.S. ___, 127 S.Ct. 582 (2006); *Johnson v. Columbia Properties Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006); *Pramco, LLC ex rel. CFSC Consortium, LLC v. San Juan Bay Marina, Inc.*, 435 F.3d 51, 54-55 (1st. Cir. 2006).

Within ten days of this date, the defendant shall file and serve an amended notice of removal alleging the names and citizenship of all the members/owners of the defendant. Failure to timely file and serve such an amended notice of removal will result in remand to the 191st Judicial District Court of Dallas County, Texas, without further notice, for lack of subject matter jurisdiction.

SO ORDERED.

December 15, 2008.



A. JOE FISH
Senior United States District Judge