

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

REAL ESTATE TRAINING
INTERNATIONAL, LLC,

Plaintiff,

v.

THE NICK VERTUCCI COMPANIES,
INC., and NICK VERTUCCI,

Defendants.

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Civil Action No. SA-14-CV-0099-XR

ORDER

On this date, the Court considered its subject matter jurisdiction over this case. This Court has a duty to examine its subject matter jurisdiction *sua sponte* when necessary. *Howery v. Allstate Ins. Co.*, 243 F.3d 912, 919 (5th Cir. 2001). Plaintiff originally filed this lawsuit in the 438th Judicial District of Bexar County, Texas, alleging various state law causes of action. On January 29, 2014, Defendants removed this case to this Court on the basis of diversity jurisdiction under 28 U.S.C. § 1332. Doc. No. 1.

For diversity jurisdiction to exist, there must be complete diversity of citizenship among the parties. *Stiftung v. Plains Mktg., L.P.*, 603 F. 3d 295, 297 (5th Cir. 2010). Defendants assert that Plaintiff is a Delaware LLC with a principal place of business in Texas. Doc. No. 1. Accordingly, Defendants contend that Plaintiff is a citizen of Texas and Delaware only. However, the citizenship of an LLC is determined by the citizenship of *each* of its members. *Alsobrook v. GMAC Mortgage, L.L.C.*, 12-10623, 2013 WL 3929935 (5th Cir. July 31, 2013). In this case, Defendants appear to be residents of Nevada and California. Doc. No.

1. If any of Plaintiff's members are also citizens of either one of these states, then there will not be complete diversity of the parties.

“The removing party bears the burden of showing that federal jurisdiction exists and that removal was proper.” *Manguno v. Prudential Property and Cas. Insurance. Co.*, 276 F.3d 720, 723 (5th Cir.2002) (citing *De Aguilar v. Boeing Co.*, 47 F.3d 1404, 1408 (5th Cir. 1995)). Therefore, Defendants are hereby ORDERED to show cause in writing on or before **March 1, 2014**, that there is complete diversity of the parties in this case.

SIGNED this 30th day of January, 2014.

A handwritten signature in black ink, appearing to read 'Xavier Rodriguez', written over a horizontal line.

XAVIER RODRIGUEZ
UNITED STATES DISTRICT JUDGE