

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

CANAL INDEMNITY COMPANY, a South Carolina Corporation,

Plaintiff,

vs.

TROPHY HOMES, LC, a Utah Limited Liability Company, *et al.*,

Defendants.

**ORDER and
MEMORANDUM DECISION**

Case No. 2:10-cv-844

This court “must, *sua sponte*, satisfy itself of its power to adjudicate in every case and at every stage of the proceedings.” *State Farm Mut. Auto. Ins. Co. v. Narvaez*, 149 F.3d 1269, 1270-71 (10th Cir. 1998). Here, Plaintiff Canal Indemnity Company invokes diversity jurisdiction pursuant to 28 U.S.C. § 1332. The complaint’s allegations supporting diversity, however, are insufficient on their face.

Specifically, while Canal asserts that Trophy Homes, LC and Northmoor Development, LC are Utah citizens, the court cannot confirm those allegations without knowing the citizenship of the members of those entities. That is because “for entities other than corporations,” the court’s “diversity jurisdiction in a suit by or against [an] entity depends on the citizenship of . . . each of its members.” *Penteco Corp. Ltd. Partnership-1985A v. Union Gas Sys., Inc.*, 929 F.2d

1519, 1523 (10th Cir. 1991) (quoting *Carden v. Arkoma Assoc.*, 494 U.S. 185, 189 (1990), internal quotations omitted). Until the court is made aware of the citizenship of the members of Trophy Homes and Northmoor, it cannot conclude that it has diversity jurisdiction.

Accordingly, Canal has twenty days from the date of this order to show why this case should not be dismissed for lack of subject matter jurisdiction. If Canal wishes to move to amend the complaint to adequately allege citizenship of the relevant Defendants, it must do so by no later than twenty days after the date of this order.

SO ORDERED this 28th day of January, 2011.

BY THE COURT:



Clark Waddoups
United States District Judge