



Residential Funding Company

2008 | Cited 0 times | D. Minnesota | July 21, 2008

ORDER

This is an action by Residential Funding Company, LLC (Plaintiff) against Pinnacle Financial Corporation (Defendant). Plaintiff asserts that this Court has original subject matter jurisdiction over this action based on diversity of the parties. See 28 U.S.C.A. § 1332 (West 2006). Section 1332 provides in relevant part that a district court has original jurisdiction of a civil action where the matter in controversy exceeds \$75,000, exclusive of interest and costs, and is between citizens of different states. 28 U.S.C.A. § 1332(a)(1). In its Complaint, Plaintiff properly alleges the amount in controversy and the citizenship of all parties except Residential Funding Company, LLC.¹ Plaintiff alleges that Residential Funding Company, LLC, is "a limited liability company with its principal place of business in Minnesota." For purposes of diversity jurisdiction, "an LLC's citizenship is that of its members." *GMAC Commercial Credit LLC v. Dillard Dep't Stores, Inc.*, 357 F.3d 827, 829 (8th Cir. 2004). Having failed to allege the citizenship of Residential Funding Company, LLC's members, Plaintiff has not satisfied its burden to establish subject matter jurisdiction. See *Sheehan v. Gustafson*, 967 F.2d 1214, 1215 (8th Cir. 1992). Unless Plaintiff establishes the citizenship of Residential Funding Company, LLC, by noon on Thursday, July 24, 2008, the Court will dismiss this action for lack of subject matter jurisdiction.

Based on the files, records, and proceedings herein, and for the reasons stated above, IT IS ORDERED THAT:

1. Plaintiff shall establish the citizenship of Residential Funding Company, LLC, by noon on Thursday, July 24, 2008.

1. The Court notes that the "Affidavit of No Answer" filed by Plaintiff in support of its pending Motion for Default Judgment indicates Defendant "is incorporated under the laws of Minnesota." However, the Complaint alleges that Defendant "is a corporation organized under the laws of the State of Florida." "Minnesota" in the affidavit might be a typographical error, but this shall be clarified.

