



Terry v. Nuvel Credit Corp.

2006 | Cited 0 times | W.D. Oklahoma | August 16, 2006

ORDER

Defendants' Notice of Removal is before the court. (Doc. no. 1.) The court notes the averments at ¶11 of the notice representing that defendant Nuvel Credit Company, LLC is a limited liability company existing under the laws of Delaware and having its principal place of business in Little Rock, Arkansas.

The court has a duty to inquire into its own jurisdiction. The tenth circuit has not specifically ruled with respect to the method of determining the citizenship of a limited liability company for purposes of diversity jurisdiction. However, other courts have determined that the citizenship of a limited liability company is the citizenship of its members. *Johnson v. Columbia Props. Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006); *Handelsman v. Bedford Village Associates Ltd. Partnership*, 213 F.3d 48, 51-52 (2d Cir. 2000); *Cosgrove v. Bartolotta*, 150 F.3d 729, 731 (7th Cir. 1998); *Hale v. MasterSoft Intern. Pty., Ltd.*, 93 F. Supp. 2d 1108, 1112 (D. Colo. 2000); *Keith v. Black Diamond Advisors, Inc.*, 48 F. Supp. 2d 326, 329-30 (S.D. N.Y. 1999); *International Flavors & Textures, LLC v. Gardner*, 966 F. Supp. 552, 554-55 (W.D. Mich. 1997). See generally, 15 Moore's Federal Practice and Procedure, §102.57[8] regarding the uniformity of rulings from other circuits on this issue.

Accordingly, the removing defendants, Nuvel Credit Corporation and Nuvel Credit Company, LLC,¹ are directed to file, within ten days of the date of this order, a statement identifying all members of Nuvel Credit Company, LLC and specifying the citizenship of each member. If any of the members of Nuvel Credit Company, LLC are themselves limited liability companies, then defendants' statement shall identify those limited liability companies and specify their citizenship as well.

1. The Notice of Removal states that effective April 18, 2006, defendant Nuvel Credit Corporation was converted to defendant Nuvel Credit Company, LLC. (Notice of Removal, ¶ 11.)

