

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

DONNA W. WEST,

Plaintiff,

v.

**MIDWEST DIVISION – MMC, L.L.C.
d/b/a MENORAH MEDICAL CENTER**

Defendant.

CIVIL ACTION

No. 06-2160-KHV

ORDER

Donna W. West, a citizen of Missouri, brings suit against Midwest Division – MMC, L.L.C. d/b/a Menorah Medical Center (“Midwest LLC”). Plaintiff’s sole basis for subject matter jurisdiction is diversity of citizenship under 28 U.S.C. § 1332, but her original complaint did not allege the citizenship of each member of Midwest LLC. See Complaint (Doc. #1) ¶ 1. On October 23, 2006, the Court ordered plaintiff to show cause in writing why it should not dismiss her complaint for lack of subject matter jurisdiction. See Order To Show Cause (Doc. #17). In response, plaintiff sought leave to file an amended complaint. See Plaintiff’s Response To The Court’s Order To Show Cause (Doc. #19) and Plaintiff’s Motion For Leave To Amend Complaint In Response To The Court’s Order To Show Cause (Doc. #20), both filed October 31, 2006. On November 16, 2006, the Court granted plaintiff’s motion, see Doc. #23, and on November 22, 2006, plaintiff filed an amended complaint. See First Amended Complaint (Doc. #24).

In the amended complaint, plaintiff alleges that “[a]ll members of Defendant L.L.C. are of diverse citizenship from Plaintiff.” Id. at ¶ 2. Plaintiff does not identify the members of Midwest LLC or their citizenship, but defendant’s answer admits that all members of the LLC are of diverse

citizenship from plaintiff. See Defendant's Answer To Plaintiff's First Amended Complaint (Doc. #27) filed November 27, 2006 at ¶ 2. On this record, plaintiff has shown sufficient cause why the Court should not dismiss her complaint for lack of subject matter jurisdiction.

IT IS SO ORDERED.

Dated this 9th day of January, 2007 at Kansas City, Kansas.

s/ Kathryn H. Vratil
Kathryn H. Vratil
United States District Judge