

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

**INSULATION DISTRIBUTORS, INC.,**

**Plaintiff,**

**v.**

**SKI INSULATION, L.L.C., and GREGORY  
F. SCIOLI, Individually and d/b/a SKI  
INSULATION,**

**Defendants.**

**CIVIL ACTION**

**No. 08-2162-KHV**

**ORDER**

Plaintiff, a Minnesota corporation with its principal place of business in Minnesota, brings suit against Ski Insulation, L.L.C. ("SKI") and Gregory F. Scioli. Plaintiff's sole basis for subject matter jurisdiction is diversity of citizenship, which requires complete diversity between all plaintiffs and defendants. See 28 U.S.C. § 1332; Radil v. Sanborn W. Camps, Inc., 384 F.3d 1220, 1225 (10th Cir. 2004). On May 2, 2008, the Court ordered plaintiff to show good cause in writing why its complaint should not be dismissed for failure to properly allege subject matter jurisdiction. See Order To Show Cause (Doc. #6). Specifically, the Court noted that for purposes of diversity jurisdiction, an LLC is a citizen of each state of which a member is a citizen, and that the complaint did not allege the citizenship of each member of SKI. See id. at 1 (citing Birdsong v. Westglen Endoscopy Ctr., LLC, 176 F. Supp.2d 1245, 1248 (D. Kan. 2001) and Pramco, LLC v. San Juan Bay Marina, Inc., 435 F.3d 51, 54 (1st Cir. 2006)). This matter comes before the Court on Plaintiff's Response To Order To Show Cause (Doc. #7) filed May 12, 2008. Plaintiff has filed an amended complaint which alleges that the sole member of SKI is a citizen of the State of Kansas. Verified Amended Complaint (Doc. #8) ¶ 2.

**IT IS THEREFORE ORDERED** that plaintiff has shown good cause why its complaint should not be dismissed for lack of subject matter jurisdiction.

Dated this 3rd day of June, 2008 at Kansas City, Kansas.

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