

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

ROBERT THRASHER,

Plaintiff,

v.

GENERAL ELECTRIC COMPANY, et al.,

Defendants.

CIVIL ACTION

No. 08-2262-KHV

ORDER TO SHOW CAUSE

Plaintiff, a Kansas citizen, brings suit against Tyco Health Care Group, LP (“Tyco LP”), Bayer Healthcare, LLC (“Bayer LLC”) and others. Plaintiff’s sole basis for subject matter jurisdiction is diversity of citizenship. See Complaint (Doc. #1) filed June 5, 2008 ¶ 19; 28 U.S.C. § 1332. Section 1332 requires complete diversity between all plaintiffs and all defendants. Radil v. Sanborn W. Camps, Inc., 384 F.3d 1220, 1225 (10th Cir. 2004).

Plaintiff alleges that Tyco LP is “incorporated in Bermuda,” Complaint (Doc. #1) ¶ 3, but does not allege the citizenship of the partners of Tyco LP. For the purpose of diversity jurisdiction, an LP is a citizen of each state of which a partner is a citizen. See Carden v. Arkoma Assocs., 494 U.S. 185, 195 (1990); see also Cerberus Partners v. Gadsby & Hannah, 976 F. Supp. 119, 122-24 (D.R.I. 1997) (applying Carden to Bermuda limited partnership). In addition, plaintiff alleges that Bayer LLC is a limited liability company which is domiciled in Delaware with its principal place of business in New York. See Complaint (Doc. #1) ¶ 11. For the purpose of diversity jurisdiction, however, an LLC is a citizen of each state of which a member is a citizen. Birdsong v. Westglen Endoscopy Ctr., LLC, 176 F. Supp.2d 1245, 1248 (D. Kan. 2001); see also Pramco, LLC v. San Juan Bay Marina, Inc., 435 F.3d

51, 54 (1st Cir. 2006) (every circuit to consider issue has held that citizenship of LLC is determined by citizenship of all of its members). The complaint does not allege the citizenship of each partner of Tyco LP and each member of Bayer LLC and it therefore fails to properly allege subject matter jurisdiction.

IT IS THEREFORE ORDERED that on or before **July 7, 2008**, plaintiff show good cause in writing why his complaint should not be dismissed for lack of subject matter jurisdiction.

Dated this 23rd day of June, 2008 at Kansas City, Kansas.

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