

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

LES INDUSTRIES WIPECO, INC.,)	
)	
Plaintiff,)	
)	
v.)	Case No. 21-2289-JAR
)	
BLUESTEM MANAGEMENT)	
ADVISORS, LLC,)	
)	
Defendant.)	

ORDER

On September 28, 2021, the court ordered plaintiff to submit a status report demonstrating the citizenship of each of the individual members of the defendant limited liability company (“LLC”), so as to establish the court’s subject-matter jurisdiction on diversity grounds (ECF No. 11). Plaintiff filed its status report that same day (ECF No. 12). The status report indicated plaintiff intends to seek leave to file a second amended complaint that adds two defendants: Thomas Johnson and Bluestem Health Care, LLC. The report further states that, “[u]pon information and belief, based upon pre-suit investigation, Thomas Johnson is the only member” of the two Bluestem LLCs. There appears to be a typographical error in the report regarding the citizenship of Mr. Johnson (see ECF No. 12, paragraphs 11 & 12). Plaintiff included the declaration of its counsel in support (ECF No. 12-1).

The court remains unable to verify that diversity jurisdiction existed when plaintiff filed this case. Moreover, it is unclear whether any allegations in the proposed second amended complaint would divest the court of jurisdiction.

IT IS THEREFORE ORDERED that the parties shall confer and file a **joint** report by **October 12, 2021**, further addressing the citizenship of the current defendant and the proposed new defendants.¹ Plaintiff's counsel should forthwith provide defense counsel a copy of the proposed second amended complaint, and the joint status report should state whether its filing is opposed (with regard to jurisdictional allegations or otherwise).

Dated September 30, 2021, at Kansas City, Kansas.

s/ James P. O'Hara
James P. O'Hara
U.S. Magistrate Judge

¹ For example, defendant should confirm whether Mr. Johnson is the sole member of the two Bluestem LLCs and, if that is the case, his place of citizenship both now and when the case was filed on June 25, 2021.