

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
NEW YORK

Andreanna Elize, individually and as the limited administrator of the Estate of Carlos Elize, deceased, and Antonio Elize, individually and as the limited administrator of the Estate of Carlos Elize, deceased v. Valu Auto, LLC; Lineage, Inc.; Lineage Logistics Services, PFS, LLC; Lineage Food Service Solutions, LLC; Lineage Logistics Holdings, LLC; Bay Grove Capital, Inc.; BG Lineage Holdings, LLC; and Fritz C. Patrick

Elize · No. 3:26-cv-00550 (BKS/MJK) · Decided April 23, 2026

SUMMARY

The United States District Court for the Northern District of New York directs Plaintiffs to show cause why their state-law action should not be dismissed for lack of subject-matter jurisdiction. The Court concludes that the complaint insufficiently alleges the citizenship of the members of several defendant limited liability companies for purposes of diversity jurisdiction and orders Plaintiffs to file a supporting memorandum and evidence by May 14, 2026.

CASE DETAILS

COURT	United States District Court for the Northern District of New York
WRITING FOR THE COURT	Brenda K. Sannes
JURISDICTION	United States District Court for the Northern District of New York
DECIDED	April 23, 2026
DOCKET	3:26-cv-00550 (BKS/MJK)
DISPOSITION	other
PROCEDURAL POSTURE	The plaintiffs filed state-law claims invoking diversity jurisdiction under 28 U.S.C. § 1332. The district court sua sponte issued an order to show cause because the complaint did not adequately allege the citizenship of the members of several defendant limited liability companies.
STANDARD OF REVIEW	Subject-matter jurisdiction may be raised sua sponte at any stage of the proceedings; the party invoking diversity jurisdiction bears the

	burden of establishing complete diversity.
PRECEDENTIAL VALUE	unknown
PARTIES	Andreanna Elize, individually and as the limited administrator of the Estate of Carlos Elize, deceased, Antonio Elize, individually and as the limited administrator of the Estate of Carlos Elize, deceased v. Valu Auto, LLC, Lineage, Inc., Lineage Logistics Services, PFS, LLC, Lineage Food Service Solutions, LLC, Lineage Logistics Holdings, LLC, Bay Grove Capital, Inc., BG Lineage Holdings, LLC, Fritz C. Patrick

TOPICS

subject matter jurisdiction pleadings civil procedure federalism

PRACTICE AREAS

civil procedure federal jurisdiction

QUESTIONS PRESENTED

1. Whether the complaint adequately alleged complete diversity of citizenship to establish subject-matter jurisdiction under 28 U.S.C. § 1332.
2. Whether the citizenship of a limited liability company is determined by the citizenship of each of its members.
3. Whether the court should require plaintiffs to show cause and submit evidence concerning the citizenship of the LLC defendants before dismissing the action.

HOLDINGS

1. For purposes of diversity jurisdiction, a limited liability company takes the citizenship of each of its members.
2. The complaint's allegations were insufficient to establish complete diversity because they did not allege the citizenship of the members of five defendant LLCs.
3. A federal court may raise the issue of subject-matter jurisdiction sua sponte at any stage of the proceedings.

KEY QUOTATIONS

“[I]n our federal system of limited jurisdiction . . . the court sua sponte, at any stage of the proceedings, may raise the question of whether the court has subject matter jurisdiction.”

“[A] limited liability company . . . takes the citizenship of each of its members.”

FACTUAL BACKGROUND

Plaintiffs asserted state-law claims against several corporate and individual defendants and alleged that the amount in controversy exceeded \$75,000. The complaint identified the states of organization and principal places of business of five LLC defendants but did not allege the citizenship of any of their members, preventing the court from determining whether complete diversity existed.

PROCEDURAL HISTORY

The action was filed in the United States District Court for the Northern District of New York. Although the complaint alleged an amount in controversy exceeding \$75,000 and identified the states of organization and principal places of business of several LLC defendants, it did not allege the citizenship of their members. The court ordered plaintiffs to file a memorandum and supporting evidence by May 14, 2026, explaining why the action should not be dismissed for lack of subject-matter jurisdiction.

DISPOSITION

other

CASES CITED

- St. Paul Fire & Marine Ins. Co. v. Universal Builders Supply, 409 F.3d 73, 80 (2d Cir. 2005)
- United Food & Com. Workers Union, Local 919 v. CenterMark Props. Meriden Square, Inc., 30 F.3d 298, 301 (2d Cir. 1994)
- Manway Constr. Co. v. Housing Auth. of Harford, 711 F.2d 501, 503 (2d Cir. 1983)
- Durant, Nichols, Houston, Hodgson & Cortese-Costa P.C. v. Dupont, 565 F.3d 56, 62 (2d Cir. 2009)
- Owen Equip. & Erection Co. v. Kroger, 437 U.S. 365, 374 (1978)
- Braten v. Kaplan, 406 F. App'x 516, 517 (2d Cir. 2011)
- Bayerische Landesbank, N.Y. Branch v. Aladdin Cap. Mgmt. LLC, 692 F.3d 42, 49 (2d Cir. 2012)
- Cosgrove v. Bartolotta, 150 F.3d 729, 731 (7th Cir. 1998)
- ICON MW, LLC v. Hofmeister, 950 F. Supp. 2d 544, 546 (S.D.N.Y. 2013)
- Long Beach Rd. Holdings, LLC v. Foremost Ins. Co., 75 F. Supp. 3d 575, 584 (E.D.N.Y. 2015)

OPINION

Elize

PER CURIAM.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF NEW YORK

ANDREANNA ELIZE, individually and as the limited administrator of the Estate of Carlos Elize, deceased and ANTONIO ELIZE, individually and as the limited 3:26-cv-00550 (BKS/MJK) administrator of the Estate of Carlos Elize, deceased; Plaintiffs, v.

VALU AUTO, LLC; LINEAGE, INC.; LINEAGE

LOGISTICS SERVICES, PFS, LLC; LINEAGE FOOD

SERVICE SOLUTIONS, LLC; LINEAGE LOGISTICS

HOLDINGS, LLC; BAY GROVE CAPITAL, INC.; BG

LINEAGE HOLDINGS, LLC; and FRITZ C. PATRICK; Defendants. Appearances: For Plaintiffs: John H. Fisher The New York Injury & Malpractice Law Firm, P.C. 278 Wall Street Kingston, NY 12401 Hon. Brenda K. Sannes, Chief United States District Judge:

ORDER TO SHOW CAUSE

Plaintiffs Andreanna Elize and Antonio Elize, individually and as limited administrators of the Estate of Carlos Elize, bring this action against Defendants Valu Auto, LLC; Lineage, Inc.; Lineage Logistics Services, PFS, LLC; Lineage Food Service Solutions, LLC; Lineage Logistics Holdings, LLC; Bay Grove Capital, Inc.; BG Lineage Holdings, LLC; and Fritz C. Patrick; asserting that this Court has subject-matter jurisdiction over Plaintiffs' state law claims under the diversity jurisdiction statute, 28 U.S.C. § 1332, which grants the federal courts jurisdiction over civil actions where the amount in controversy exceeds \$75,000 and the suit is between "citizens of different States." 28 U.S.C. § 1332(a)(1); see also *St. Paul Fire & Marine Ins. Co. v. Universal Builders Supply*, 409 F.3d 73, 80 (2d Cir. 2005) (stating that "[i]t is well established that for a case to fit within [§ 1332], there must be complete diversity" between plaintiffs and defendants (internal quotation marks omitted)). The complaint asserts an amount in controversy that exceeds the jurisdictional amount. (Dkt. No. 1, ¶ 2). However, the complaint fails to sufficiently allege the citizenship of Defendants Valu Auto, LLC; Lineage Logistics Services, PFS, LLC; Lineage Food Service Solutions, LLC; Lineage Logistics Holdings, LLC; and BG Lineage Holdings, LLC. Accordingly, Plaintiffs are directed to show cause why this action should not be dismissed for lack of subject matter jurisdiction. "[I]n our federal system of limited jurisdiction . . . the court sua sponte, at any stage of the proceedings, may raise the question of whether the court has subject matter jurisdiction." *United Food & Com. Workers Union, Local 919 v. CenterMark Props. Meriden Square, Inc.*, 30 F.3d 298, 301 (2d Cir. 1994) (quoting *Manway Constr. Co. v. Housing Auth. of Harford*, 711 F.2d 501, 503 (2d Cir. 1983)); see *Durant, Nichols, Houston, Hodgson & Cortese-Costa P.C. v. Dupont*, 565 F.3d 56, 62 (2d Cir. 2009) ("It is a fundamental precept that federal courts are courts of limited jurisdiction' and lack the power to disregard such limits as have been imposed by the Constitution or Congress." (quoting *Owen Equip. & Erection Co. v. Kroger*, 437 U.S. 365, 374 (1978))). The party seeking diversity jurisdiction has the burden proving that diversity exists. *Braten v. Kaplan*, 406 F. App'x 516, 517 (2d Cir. 2011). "[A] limited liability company . . . takes the citizenship of each of its members." *Bayerische Landesbank, N.Y. Branch v. Aladdin Cap. Mgmt. LLC*, 692 F.3d 42, 49 (2d Cir. 2012); *Cosgrove v. Bartolotta*, 150 F.3d 729, 731 (7th Cir. 1998) (holding that, for purposes of diversity jurisdiction, a limited liability company has the citizenship of its membership); see also *ICON MW, LLC v. Hofmeister*, 950 F. Supp. 2d 544, 546 (S.D.N.Y. 2013) (finding that "complete diversity of parties is lacking because some of the members of [the plaintiff limited liability company] are citizens of Kentucky and [the defendant] is also a citizen of Kentucky"). Here, the complaint alleges that Defendant Valu Auto,

LLC is a New York limited liability company with its principal place of business in New York, (Dkt. No. 1, ¶ 7); Defendant Lineage Logistics Services, PFS, LLC, is a Michigan limited liability company with its principal place of business in Michigan, (id. at ¶ 11), Defendant Lineage Food Service Solutions, LLC is a Michigan limited liability company with its principal place of business in Michigan, (id. at ¶ 12); Defendant Lineage Logistics Holdings, LLC is a Michigan limited liability company with its principal place of business in Michigan, (id. at ¶13); and Defendant BG Lineage Holdings, LLC is a Michigan limited liability company with its principal place of business in Michigan, (id. at ¶ 14). But the complaint does not allege the citizenship of any of these Defendants' members. (See generally id.). As such, the allegations are insufficient to show that there is complete diversity of citizenship among the parties. See, e.g., *Long Beach Rd. Holdings, LLC v. Foremost Ins. Co.*, 75 F. Supp. 3d 575, 584 (E.D.N.Y. 2015) (concluding that "diversity of citizenship" was not "a proper basis of subject matter jurisdiction" where the plaintiff limited liability company did "not set forth any allegations with respect to its structure or membership"). Accordingly, it is ORDERED that Plaintiffs shall file a memorandum by May 14, 2026, showing cause why this action should not be dismissed for lack of subject matter jurisdiction; and it is further ORDERED that if Plaintiffs maintain that there is complete diversity between the parties, it shall submit supporting evidence, including affidavits, identifying the citizenship of each member of the limited liability companies. IT IS SO ORDERED. Dated: April 23, 2026 Syracuse, NY Brenda K. Sannes Chief U.S. District Judge