

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
NEW YORK

Michael E. Jones, M.D., P.C. v. PBS of Central Florida LLC

25 Civ. 3639 (AKH) · No. 25 Civ. 3639 (AKH) · Decided December 3, 2025

SUMMARY

The United States District Court for the Southern District of New York dismissed the complaint for lack of subject-matter jurisdiction. The court held that the plaintiff failed to identify the members of the defendant limited liability company and allege their citizenship as required to establish diversity jurisdiction, while granting leave to replead within 30 days.

CASE DETAILS

COURT	United States District Court for the Southern District of New York
WRITING FOR THE COURT	Alvin K. Hellerstein
JURISDICTION	United States District Court for the Southern District of New York
DECIDED	December 3, 2025
DOCKET	25 Civ. 3639 (AKH)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The plaintiff filed a diversity action against a Florida limited liability company. The district court dismissed the complaint for failure to plead the citizenship of the LLC's members, while granting leave to replead.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- subject matter jurisdiction
- pleadings
- civil procedure
- commercial litigation
- limited liability companies

PRACTICE AREAS

- civil procedure
- commercial litigation
- corporate law

QUESTIONS PRESENTED

1. Whether the complaint adequately alleged diversity jurisdiction when it failed to identify the members of the defendant limited liability company and allege their citizenship.

HOLDINGS

- 1. A complaint invoking diversity jurisdiction must identify the members of a limited liability company and allege the citizenship of each member; because Plaintiff failed to do so, the complaint did not establish complete diversity and was dismissed for lack of jurisdiction.

KEY QUOTATIONS

““While humans and corporations can assert their own citizenship, other entities take the citizenship of their members.”” (1014)

FACTUAL BACKGROUND

Michael E. Jones, M.D., P.C. is a professional corporation licensed in New York. PBS of Central Florida LLC is a Florida limited liability company, and the complaint relied on diversity of citizenship but did not identify the LLC's members or allege their citizenship.

PROCEDURAL HISTORY

Plaintiff sued Defendant in the United States District Court for the Southern District of New York, invoking diversity jurisdiction under 28 U.S.C. § 1332. The court determined that the complaint did not identify Defendant's members or allege their citizenship, dismissed the complaint for lack of jurisdiction, and allowed Plaintiff 30 days to replead an adequate basis for diverse citizenship.

DISPOSITION

dismissed

CASES CITED

- Handelsman v. Bedford Village Associates Limited Partnership, 213 F.3d 48, 51 (2d Cir. 2000)
- Carden v. Arkoma Associates, 494 U.S. 185 (1990)
- Americold Realty Trust v. ConAgra Foods, Inc., Americold Realty Trust v. Conagra Foods, Inc., 136 S. Ct. 1012, 1014 (2016)

OPINION

Michael E. Jones, M.D., P.C. v. PBS of Central Florida LLC
PER CURIAM.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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: ORDER DISMISSING
Plaintiff, : COMPLAINT FOR LACK OF ~against- : JURISDICTION
PBS OF CENTRAL FLORIDA LLC, : 25 Civ. 3639 (AKH)
Defendant. : eee anne □□□□□□□□□□□□□□□□□□□□□□□□ K ALVIN K.

HELLERSTEIN, U.S.D.J.: Plaintiff, a professional corporation licensed in New York, sues Defendant PBS of Central Florida LLC, a Florida limited liability company. See Complaint at {J 5-6. The alleged jurisdictional basis is diversity of citizenship, pursuant to 28 U.S.C. § 1332. Limited liability companies are deemed to be citizens of all the states in which their constituents are citizens. See *Handelsman v. Bedford Vill. Assocs, Ltd. P'ship*, 213 F.3d 48, 51 (2d Cir, 2000) (citing *Carden v. Arkoma Assocs.*, 494 U.S. 185 (1990)); see also *Americold Realty Trust v. Conagra Foods, Inc.*, 136 S. Ct. 1012, 1014 (2016) (“While humans and corporations can assert their own citizenship, other entities take the citizenship of their members.”). Plaintiff has failed to identify the members of the limited liability company and allege their citizenship, as required for diversity of citizenship concerning limited liability companies. The complaint is dismissed, with leave to replead an adequate basis of diverse citizenship no later than 30 days from this order, SO ORDERED. . Dated: December 2, 2025 Je ACL, hie af New York/New York ‘ALVIN K. HELLERSTEIN / United States District Judge