

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
OHIO

Whitworth Tool Holdings LLC, et al. v. Little Mountain Precision,
LLC, et al.

Whitworth Tool Holdings · No. 1:26-cv-00686 · Decided March 24, 2026

SUMMARY

The United States District Court for the Northern District of Ohio denied without prejudice Plaintiffs’ motions for a temporary restraining order, preliminary injunction, and emergency hearing. The court held that Plaintiffs had not adequately pleaded the citizenship of the LLC members and sub-members or the individual defendants for purposes of diversity jurisdiction. The court also found that Plaintiffs failed to satisfy Federal Rule of Civil Procedure 65(b)(1)(B), ordered Plaintiffs to provide jurisdictional information and serve the defendants, and stated that a status conference would follow service and appearance.

CASE DETAILS

COURT	United States District Court for the Northern District of Ohio
WRITING FOR THE COURT	Pamela A. Barker
JURISDICTION	United States District Court for the Northern District of Ohio
DECIDED	March 24, 2026
DOCKET	1:26-cv-00686
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs filed a verified complaint asserting state-law claims arising from an asset purchase agreement and moved for a temporary restraining order, preliminary injunction, and an emergency hearing. The court denied the TRO and emergency-hearing motions without prejudice because Plaintiffs did not adequately plead diversity jurisdiction and did not satisfy Federal Rule of Civil Procedure 65(b)(1)(B).
PRECEDENTIAL VALUE	unpublished district-court order; precedential status unknown
PARTIES	Whitworth Tool Holdings LLC, WT Special Holdings LLC v. Little Mountain Precision LLC, Maple Leasing LLC, 3rd Precision LLC, John Habe IV, Doug Habe

TOPICS

subject matter jurisdiction

injunctions

service of process

civil procedure

breach of contract

PRACTICE AREAS

civil procedure

commercial litigation

contracts

remedies

QUESTIONS PRESENTED

1. Whether Plaintiffs adequately pleaded facts establishing diversity subject matter jurisdiction under 28 U.S.C. § 1332(a)(1).
2. Whether Plaintiffs satisfied Federal Rule of Civil Procedure 65(b)(1)(B)'s written-certification requirement for an ex parte temporary restraining order.
3. Whether the court should consider the substantive grounds for Plaintiffs' requested TRO and conduct an emergency hearing before Plaintiffs established subject matter jurisdiction and complied with Rule 65(b)(1)(B).

HOLDINGS

1. A limited liability company's citizenship is determined by the citizenship of each of its members, including the citizenship of sub-members when a member is itself an entity. Because Plaintiffs did not identify the citizenship of all members and sub-members of the LLC parties, they failed to plead sufficient facts for the court to determine whether diversity jurisdiction existed.
2. Allegations that individual defendants reside in a state do not establish their citizenship for diversity purposes; citizenship turns on domicile.
3. A court may issue a temporary restraining order without notice only if the movant's attorney certifies in writing the efforts made to give notice and the reasons notice should not be required. Plaintiffs' failure to provide that certification made ex parte relief inappropriate.

KEY QUOTATIONS

“The citizenship of a limited liability company, however, is not determined by its states of organization and principal place of business.” (at 4)

“The court may issue a temporary restraining order without written or oral notice to the adverse party or its attorney only if:” (at 6)

“Thus, the Court concludes that Plaintiff has failed to satisfy the requirements of Rule 65(b)(1)(B) and ex parte relief is therefore inappropriate.” (at 8)

FACTUAL BACKGROUND

Plaintiffs alleged that they purchased assets, inventory, customer relationships, and related materials from Defendants under an Asset Purchase Agreement that became effective January 15, 2026, with the sale closing on February 27, 2026. Plaintiffs alleged that, after closing, Defendants disputed whether certain assets were

included in the sale, failed to cooperate, and interfered with Plaintiffs' possession of the assets and customer relationships. Plaintiffs sought emergency injunctive relief in connection with breach-of-contract, replevin, and conversion claims.

PROCEDURAL HISTORY

Plaintiffs filed the action and their motions on March 23, 2026. The court determined that the pleadings did not identify the citizenship of each member and sub-member of the LLC parties or the citizenship, as opposed to residence, of the individual defendants. The court also found that Plaintiffs' counsel had not certified the efforts made to provide notice or the reasons notice should not be required. The court denied both motions without prejudice, ordered Plaintiffs to supplement their jurisdictional allegations and serve the defendants, and stated that a status conference would be set after service and appearance.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand was ordered. Plaintiffs were ordered, by April 7, 2026, to identify the citizenship of all members and sub-members of the LLC parties and the states of citizenship of John Habe IV and Doug Habe. Plaintiffs were also ordered to serve the verified complaint, motions, exhibits, and the order under Federal Rule of Civil Procedure 4 and promptly file proof of service. After service and appearance, the court would set a status conference concerning briefing and a hearing on the preliminary-injunction request.

CASES CITED

- Delay v. Rosenthal Collins Grp., LLC, 585 F.3d 1003, 1005 (6th Cir. 2009)
- Steigleder v. McQuesten, 198 U.S. 141, 143, 25 S. Ct. 616, 49 L. Ed. 986 (1905)
- Guar. Nat'l Title Co. v. J.E.G. Assocs., 101 F.3d 57, 59 (7th Cir. 1996)
- Von Dunser v. Aronoff, 915 F.2d 1071, 1072 (6th Cir. 1990)
- Stifel v. Hopkins, 477 F.2d 1116, 1120 (6th Cir. 1973)
- Prime Rate Premium Finance Corp., Inc. v. Larson, 930 F.3d 759, 765 (6th Cir. 2019)
- First Tech. Safety Sys. Inc. v. Depinet, 11 F.3d 641, 650 (6th Cir. 1993)
- Alahverdian v. Nemelka, 2015 WL 1276453, at *2 (S.D. Ohio Mar. 19, 2015)
- Clinton Solart LLC v. Stoll, 2023 WL 3024357, at *1 (S.D. Ohio Apr. 20, 2023)
- Harris v. Plank, 2025 WL 1688116, at *2 (N.D. Ohio June 17, 2025)
- Nana Tchienkou v. Net Trust Mortg., 2010 WL 2375882, at *1 (W.D. Va. June 9, 2010)
- Centa v. Portage Cnty., 2025 WL 2687537, at *1 (N.D. Ohio Sept. 17, 2025)
- Sophia Parker Studios, Inc. v. Temperley, 2024 WL 4956689, at *9-10 (N.D. Ohio Dec. 3, 2024)
- Davis v. Colerain Twp., 2024 WL 488211, at *1-2 (S.D. Ohio Feb. 8, 2024)
- Slave Legacy, LLC v. Son of Slave, 2023 WL 3919317, at *5 (S.D. Ohio June 9, 2023)

- Moore v. U.S. Center for SafeSport, 685 F. Supp. 3d 490, 495 (E.D. Mich. 2023)

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