

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Nevada Jet Ventures, LLC v. ExcelAire LLC

Nevada Jet Ventures · No. 2:25-cv-07683-SB-PD · Decided September 11, 2025

SUMMARY

The United States District Court for the Central District of California dismissed the action without prejudice for lack of subject-matter jurisdiction. The court held that the plaintiff failed to establish complete diversity because it did not identify or allege the citizenship of the members of either limited liability company, particularly the defendant.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Stanley Blumenfeld, Jr.
JURISDICTION	United States District Court for the Central District of California
DECIDED	September 11, 2025
DOCKET	2:25-cv-07683-SB-PD
DISPOSITION	dismissed
PROCEDURAL POSTURE	The plaintiff filed an action asserting diversity jurisdiction as the sole basis for federal jurisdiction. After the court ordered plaintiff to show cause why the action should not be dismissed for failure to establish complete diversity, plaintiff submitted a declaration that did not identify the defendant LLC's members or their citizenship. The court dismissed the action without prejudice for lack of subject-matter jurisdiction.
STANDARD OF REVIEW	The court independently assessed whether subject-matter jurisdiction existed and applied the rule that the party invoking federal jurisdiction bears the burden of establishing it.
PRECEDENTIAL VALUE	Unpublished district court order; persuasive rather than precedential value.

TOPICS

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

PRACTICE AREAS

civil procedure

commercial litigation

limited liability companies

QUESTIONS PRESENTED

1. Whether the court had diversity subject-matter jurisdiction when the complaint failed to identify the members and citizenship of the plaintiff and defendant LLCs.
2. Whether dismissal without prejudice was required when plaintiff could not affirmatively allege the citizenship of the defendant LLC's members.

HOLDINGS

1. A party invoking diversity jurisdiction must affirmatively identify the members of an LLC and allege the citizenship of every member, tracing through membership layers as necessary; allegations concerning an LLC's state of organization or principal place of business are insufficient.
2. When the court determines that it lacks subject-matter jurisdiction, it must dismiss the action; dismissal for the jurisdictional pleading failure was without prejudice.

KEY QUOTATIONS

“As the party invoking federal jurisdiction, Plaintiff has the burden of showing that diversity is complete by alleging the identity and citizenship of all members of Plaintiff and Defendant (tracing through as many layers as may be necessary).” (at 2)

“This action is therefore dismissed without prejudice for lack of subject-matter jurisdiction.” (at 3)

FACTUAL BACKGROUND

Nevada Jet Ventures, LLC alleged that it was a Nevada LLC with its principal place of business in California, and that ExcelAire LLC was a Delaware LLC with its principal place of business in New York. The complaint did not identify the members of either LLC or allege their citizenship. In response to an order to show cause, plaintiff admitted that its counsel did not have a list of ExcelAire's members and offered only beliefs about ExcelAire's business activities and ownership.

PROCEDURAL HISTORY

Nevada Jet Ventures filed suit on August 15, 2025. The court ordered plaintiff to show cause regarding subject-matter jurisdiction because the complaint alleged the parties' entity types and principal places of business but did not allege the citizenship of either LLC's members. Plaintiff responded without identifying ExcelAire's membership or citizenship. The court sua sponte dismissed the action without prejudice.

DISPOSITION

dismissed

CASES CITED

- Johnson v. Columbia Props. Anchorage, LP, 437 F.3d 894, 899 (9th Cir. 2006)
- Kokkonen v. Guardian Life Ins. Co. of Am., 511 U.S. 375, 377 (1994)
- Kanter v. Warner-Lambert Co., 265 F.3d 853, 857 (9th Cir. 2001)
- Carolina Cas. Ins. Co. v. Team Equip., Inc., 741 F.3d 1082, 1088 (9th Cir. 2014)
- Sanchez v. Ameriflight, LLC, 724 F. App'x 524, 526 (9th Cir. 2018)
- Scholastic Ent., Inc. v. Fox Ent. Grp., Inc., 336 F.3d 982, 989 (9th Cir. 2003)

OPINION

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA NEVADA JET VENTURES, LLC, Case No. 2:25-cv-07683-SB-PD Plaintiff, v. ORDER DISMISSING ACTION FOR LACK OF SUBJECT- EXCELAIRE LLC, MATTER JURISDICTION WITHOUT PREJUDICE Defendant. Plaintiff Nevada Jet Ventures, LLC filed this suit against Defendant ExcelAire LLC on August 15, 2025, asserting diversity jurisdiction as the sole basis for federal jurisdiction.

Dkt. No. 1 ¶ 10. The complaint alleges: 6. Plaintiff Nevada Jet Ventures, LLC, is a Nevada limited liability company with its principal place of business in Van Nuys, California. 7. Defendant ExcelAire LLC, a Delaware limited liability company with its principal place of business in Ronkonkoma, New York. Dkt. No. 1 at 3.

The Ninth Circuit has long ago held that the citizenship of a limited liability company (LLC) is determined by the citizenship of its members. Johnson v. Columbia Props. Anchorage, LP, 437 F.3d 894, 899 (9th Cir. 2006) (“We therefore join our sister circuits and hold that, like a partnership, an LLC is a citizen of every state of which its owners/members are citizens.”).

Although both parties in this case are LLCs, Plaintiff failed to allege the citizenship of either party’s members. As a result, the Court ordered Plaintiff to show cause why the case should not be dismissed for lack of subject-matter jurisdiction, explaining: “As the party invoking federal jurisdiction, Plaintiff has the burden of showing that diversity is complete by alleging the identity and citizenship of all members of Plaintiff and Defendant (tracing through as many layers as may be necessary).” Dkt.

No. 10. Plaintiff responded by filing a declaration stating that its sole member maintains his “principal residence” in California, that it is not “aware... that [Defendant] includes any members residing in” California, and that it is “informed and believe[s] [Defendant’s] business activities and ownership is limited to the states of New York and Texas.” Dkt.

No. 11 ¶¶ 3–4. Plaintiff’s response falls far short. It is axiomatic that a federal court must “presume[] that a cause lies outside [its] limited jurisdiction, and the burden of establishing the contrary rests upon the party asserting jurisdiction.” Kokkonen v. Guardian Life Ins. Co. of Am.,

511 U.S. 375, 377 (1994) (cleaned up). Plaintiff has not identified Defendant’s members or alleged their citizenship.

On the contrary, it concedes that it filed this federal lawsuit without knowing Defendant’s membership. Dkt. No. 11 ¶ 4 (admitting that Plaintiff’s counsel “do[es] not have a list of [Defendant’s] membership”). In light of this concession, Plaintiff’s statement that it is not “aware... that [Defendant] ExcelAir LLC includes any members residing in the State of California” is meaningless.

Id. Absent knowledge of the LLC’s membership, Plaintiff is simply in no position to allege the citizenship of its members. For the same reason, Plaintiff’s counsel’s belief that Defendant’s “business activities and ownership is [sic] limited to the states of New York and Texas” is deficient. Id. In short, Plaintiff filed this lawsuit based on diversity jurisdiction without knowing the membership—let alone the citizenship—of the members of ExcelAir LLC. This is contrary to Ninth Circuit law.

See *Kanter v. Warner-Lambert Co.*, 265 F.3d 853, 857 (9th Cir. 2001) (holding that “a party seeking to invoke diversity jurisdiction should be able to allege affirmatively the actual citizenship of the relevant parties”); see also *Carolina Cas. Ins. Co. v. Team Equip., Inc.*, 741 F.3d 1082, 1088 (9th Cir. 2014) (citing *Kanter* and noting “the general requirement that [a removing defendant] must plead diversity affirmatively and on knowledge” absent “unusual circumstances”); *Sanchez v. Ameriflight, LLC*, 724 F. App’x 524, 526 (9th Cir.

2018) (finding no jurisdiction when the removing party failed to “identify any specific putative class member that was diverse”). This action is therefore dismissed without prejudice for lack of subject-matter jurisdiction. See *Scholastic Ent., Inc. v. Fox Ent. Grp., Inc.*, 336 F.3d 982, 989 (9th Cir. 2003) (affirming sua sponte dismissal for lack of jurisdiction); see also Fed.

R. Civ. P. 12(h)(3) (“If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.”). Date: September 11, 2025 _____
Stanley Blumenfeld, Jr. United States District Judge