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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

OMEGA ACCOUNTING SOLUTIONS, INC.,

Plaintiff,

-against-

OABL XIII, LLC, et al.,

Defendants.

25-CV-10313 (MMG)

ORDER

MARGARET M. GARNETT, United States District Judge:

The limited subject matter jurisdiction of a district court is best addressed at the outset of a case. It falls upon the Court to raise issues of subject matter jurisdiction *sua sponte*.

"It is firmly established that diversity of citizenship should be distinctly and positively averred in the pleadings, or should appear with equal distinctness in other parts of the record." *Leveraged Leasing Admin. Corp. v. PacifiCorp Cap., Inc.*, 87 F.3d 44, 47 (2d Cir. 1996) (internal quotation marks omitted). Where a complaint premised on diversity of citizenship names a limited liability company as a party, the complaint must allege the citizenship of natural persons who are members of the limited liability company as well as the place of incorporation and principal place of business of any corporate entities that are members of the limited liability company. *See Platinum-Montaur Life Sciences, LLC v. Navidea Biopharmaceuticals, Inc.*, 943 F.3d 613, 615 (2d Cir. 2019); *Handelsman v. Bedford Vill. Assocs. Ltd. P'ship*, 213 F.3d 48, 51–52 (2d Cir. 2000).

Both Defendants in this action are LLCs. Dkt. No. 1 ¶¶ 8–9. However, Plaintiff only states the place of incorporation and the principal place of business of each of the Defendant LLCs; it does not allege the membership nor the citizenship of any member(s) of each of the Defendants. *See id.*

Within 45 days of this Order, Plaintiff may file an Amended Complaint that expressly alleges the citizenship of all natural persons who are members of each of the Defendants, and, if any corporation is a member of any Defendant, the jurisdiction under whose laws the corporation is incorporated and the principal place of business. If, by this date, Plaintiff fails to amend the Complaint to truthfully allege complete diversity of citizenship, then the action may be dismissed for lack of subject matter jurisdiction without further notice to any party.

Dated: December 16, 2025
New York, New York

SO ORDERED.

MARGARET M. GARNETT
United States District Judge