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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

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SARSILMAZ MUHIMMAT SANAYI  
A.S.,

Plaintiff,

v.

MAC DEFENSE TECHNOLOGIES,  
LLC, d/b/a HOMELAND MUNITIONS,  
LLC; BIRKEN STARTREE HOLDINGS,  
LLC; KILO CHARLIE HOLDINGS,  
INC.; and BRADLEY ALAN  
McCORKLE,

Defendant.

**ORDER TO SHOW CAUSE RE:  
SUBJECT-MATTER JURISDICTION**

Case No. 4:18-cv-00008-DN

District Judge David Nuffer

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A federal court has a duty to consider sua sponte whether it has subject-matter jurisdiction whenever a doubt arises as to the existence of federal jurisdiction.<sup>1</sup> If a court concludes that it lacks subject-matter jurisdiction, it must dismiss the complaint in its entirety.<sup>2</sup>

In its complaint,<sup>3</sup> Plaintiff Sarsilmaz Muhimmat Sanayi A.S. (“SMS”) alleges diversity of citizenship under [28 U.S.C. § 1332\(a\)\(1\)](#) as the basis for subject-matter jurisdiction.<sup>4</sup> “To invoke the power of the court pursuant to § 1332, allegations of diversity must be pleaded affirmatively.”<sup>5</sup> This requires a complaint to allege facts essential to show that “all parties on one side of the litigation are of a different citizenship from all parties on the other side of the

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<sup>1</sup> *Mt. Healthy City Sch. Dist. Bd. of Educ. v. Doyle*, 429 U.S. 274, 278 (1977).

<sup>2</sup> *Arbaugh v. Y&H Corp.*, 546 U.S. 500, 515 (2006).

<sup>3</sup> First Amended Complaint and Jury Demand (“Complaint”), [docket no. 31](#), filed June 18, 2018.

<sup>4</sup> *Id.* ¶ 7.

<sup>5</sup> *Martinez v. Martinez*, 62 Fed. App’x 309, 313 (10th Cir. 2003).

litigation.”<sup>6</sup> In the case of corporations, a corporation is a citizen of the state where it is incorporated *and* also of the state where it has its principal place of business.<sup>7</sup> In the case of limited liability companies (and other unincorporated entities generally), a company is a citizen of each state (foreign or domestic) in which a member is a citizen.<sup>8</sup> And in the case of individuals, an individual is a citizen of the state in which he is domiciled, as evidenced by his physical location and intent to remain there indefinitely.<sup>9</sup>

The complaint alleges that SMS is “a Turkish company, with its principal place of business in . . . Turkey”;<sup>10</sup> Defendants Mac Defense Technologies LLC, Homeland Munitions LLC, and Birken Startree Holdings LLC are each “a Utah limited liability company, with its principal place of business in . . . Utah”;<sup>11</sup> and Defendant Bradley Alan McCorkle is “an individual residing in . . . Utah.”<sup>12</sup> But the complaint does not contain allegations regarding:

- the citizenship of each member of Mac Defense Technologies, Homeland Munitions, and Birken Startree Holdings;
- the citizenship of McCorkle, based on his domicile, as evidenced by his physical location and intent; or
- the nature of SMS as an incorporated or unincorporated entity or, if it is unincorporated, the citizenship of each of its members.

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<sup>6</sup> *Depex Reina 9 P’ship v. Texas Int’l Petroleum Corp.*, 897 F.2d 461, 463 (10th Cir. 1990).

<sup>7</sup> *Id.*

<sup>8</sup> *Lompe v. Sunridge Partners, LLC*, 818 F.3d 1041, 1046-47 (10th Cir. 2016).

<sup>9</sup> *Martinez*, 62 Fed. App’x at 313.

<sup>10</sup> Complaint, *supra* note 3, ¶ 1.

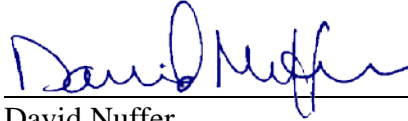
<sup>11</sup> *Id.* ¶¶ 2-4.

<sup>12</sup> *Id.* ¶ 6.

THEREFORE, IT IS HEREBY ORDERED that by no later than *Friday, February 1, 2019*, SMS shall—using the event “Notice (Other)”—file a notice containing allegations essential to show the citizenship of Mac Defense Technologies, Homeland Munitions, Birken Startree Holdings, McCorkle, and SMS. If SMS fails to do so, this action will be dismissed in its entirety for lack of subject-matter jurisdiction.

Signed January 17, 2019.

BY THE COURT:



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David Nuffer  
United States District Judge