

St. Marys Bank v. Creme, Inc. CV-96-292-M 10/03/97
UNITED STATES DISTRICT COURT

DISTRICT OF NEW HAMPSHIRE

St. Mary's Bank

v.

Civil No. 96-292-M

Creme, Inc., individually and
as it is the general partner of
Seventh RMA Partners L.P., individually

O R D E R

Plaintiff, St. Mary's Bank, has filed an amended jurisdictional allegation to address the deficiency pertaining to defendant Seventh RMA Partners, L.P. that was identified in this court's order dated August 22, 1997. St. Mary's Bank now alleges that the limited partners of defendant Seventh RMA are Delaware business entities, specifically a limited liability partnership, a limited liability company, and a corporation. St. Mary's also alleges, on information and belief, that "all individuals in turn holding equity interests in these constituent entities are likewise domiciled in states other than New Hampshire."

Fearing that its amended jurisdictional allegation may still be insufficient, St. Mary's asks for additional time within which to plead specific jurisdictional information with respect Seventh RMA's component entities if that is necessary to fulfill its jurisdictional pleading obligation. To the extent that St. Mary's amended jurisdictional allegation pleads that the individual partners of Linch Partnership, L.P. are not New Hampshire residents and the remaining partners and their

component entities are also not New Hampshire residents, it is sufficient to state the grounds for asserting subject matter jurisdiction pursuant to 28 U.S.C.A. § 1332. See Carden v. Arkoma Assocs., 494 U.S. 185, 195 (1990); accord Cerberus Partners, L.P., et al. v. Gadsby & Hannah, No. CA 97-033ML, 1997 WL 556277 at *4 (D.R.I. Aug. 19, 1997) (citing cases); see also Fed. R. Civ. P. 11(b).

The court notes, however, that St. Mary's has not yet filed its amended complaint in the form required by the Local Rules, see LR 15.1, and may have some doubt as to the facts included in the amended jurisdictional allegation, see Fed. R. Civ. P. 11(b). As the time provided to file an amended complaint expired on September 19, the court grants St. Mary's an extension of time until Friday, October 17, 1997, to file its amended complaint.

Accordingly, plaintiff's motion to extend time (document no. 26) is granted in part as explained in this order.

SO ORDERED.

Steven J. McAuliffe
United States District Judge

October 3, 1997

cc: Kevin M. Fitzgerald, Esq.
Scott F. Innes, Esq.
Kevin J. Toner, Esq.