Protecting the Identity of LLC Members and LP Partners in Litigation

Thompson Coburn LLP has published an analysis of handling a request for disclosure of the identity of members/partners in an LLC or LP during litigations. In "Part I: Motions to Remand," the firm examines the best approach.

The firm describes the situation counsel may face: "You represent a LLC or LP and file suit in state court to avoid disclosing the identity of your members/partners. But then the identity of those members/partners becomes an issue when the defendant removes your state court case to federal court claiming diversity jurisdiction. The contentions of the removal petition may allege diversity of the parties "upon information and belief" and then you are left to admit or refute the allegations and/or address the issue in the jurisdictional statement of your counterclaim. For privacy reasons though, your LLC or LP may not want to divulge the identity of its members/partners."

The analysis continues with a description of the best approach.

Read the story.