

LLC case — Supreme Court declines review

The U.S. Supreme Court has declined to review the **Ventas** case pertaining to LLC fees paid by LLCs with income from both California and non-California sources. (**Ventas Finance I, LLC v. FTB** (August 11, 2008) 165 Cal.App.4th 1207; Cal. Sup. Ct. petn. den. on November 12, 2008, Case No. S166870)

This means that the California Court of Appeals decision is final... almost. The case will be remanded back to the Superior Court, with instructions for the court to properly calculate the fee based on California-source income for years prior to 2007.

According to the FTB, they will issue a notice sometime in the next few weeks with instructions on when and how to obtain refunds for LLCs that have income inside and outside the state of California and have filed protective claims for refunds.

For now, you should file a claim for refund for any LLC that had income outside the state of California in a year prior to 2007. The statute of limitations is four years, so for a calendar year LLC, you must file a claim for refund for a timely filed 2004 return prior to April 15, 2009.