

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

AMANDA N. SMITH,

Plaintiff,

v.

COVIDIEN, LLC,

Defendant.

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CAUSE NO. 1:14-CV-326

OPINION AND ORDER

This case was removed to this Court from the Allen Superior Court by Defendant Covidien, LLC, based on diversity jurisdiction pursuant to 28 U.S.C. § 1332(a). (Docket # 1.) The Notice of Removal alleges that Plaintiff Amanda Smith is a citizen of the state of Indiana, and that Defendant is “a corporation organized under the laws of Delaware, with its principal place of business in Massachusetts.” (Notice of Removal ¶¶ 3-4.)

But Defendant Covidien, LLC, presents by name as a limited liability company, not a corporation. For purposes of establishing diversity jurisdiction, a limited liability company’s citizenship is different than that of a corporation. *Thomas v. Guardsmark, LLC*, 487 F.3d 531, 533 (7th Cir. 2007). Corporations “are deemed to be citizens of the state in which they are incorporated and the state in which they have their principal place of business.” *N. Trust Co. v. Bunge Corp.*, 899 F.2d 591, 594 (7th Cir. 1990); *see* 28 U.S.C. § 1332(c)(1). Conversely, a limited liability company’s citizenship “for purposes of . . . diversity jurisdiction is the citizenship of its members.” *Cosgrove v. Bartolotta*, 150 F.3d 729, 731 (7th Cir. 1998).

Therefore, if Defendant Covidien, LLC, is a limited liability company as its name reflects, the Court must be advised of the citizenship of all its members to ensure that none of the

members share a common citizenship with Plaintiff. *Hicklin Eng'g, L.C. v. Bartell*, 439 F.3d 346, 347 (7th Cir. 2006). Moreover, citizenship must be “traced through multiple levels” for those members of Covidien who are a partnership or a limited liability company, as anything less can result in a dismissal or remand for want of jurisdiction. *Mut. Assignment & Indem. Co. v. Lind-Waldock & Co., LLC*, 364 F.3d 858, 861 (7th Cir. 2004).

Therefore, Defendant is ORDERED to file on or before November 4, 2014, an amended notice of removal that properly recites its citizenship, tracing it through all applicable layers of ownership.

SO ORDERED.

Enter for this 21st day of October, 2014.

/S/ Roger B. Cosby
Roger B. Cosby,
United States Magistrate Judge