

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FEIGE WIEDER and JOEL WIEDER, each
individually and as Parent and Guardian of
L.W., an Infant under the age of 18 years,
Plaintiffs,

v.

ADVANCED BIONICS CORPORATION,
ADVANCED BIONICS LLC, and SONOVA
USA INC.,
Defendants.
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ORDER

22 CV 10759 (VB)

Plaintiffs bring this action invoking subject matter jurisdiction by reason of diversity of citizenship under 28 U.S.C. § 1332(a)(1).

To invoke diversity jurisdiction under 28 U.S.C. § 1332, there must be complete diversity of citizenship. Caterpillar Inc. v. Lewis, 519 U.S. 61, 68 (1996). Thus, 28 U.S.C. § 1332 “applies only to cases in which the citizenship of each plaintiff is diverse from the citizenship of each defendant.” Id.; see also Lincoln Prop. Co. v. Roche, 546 U.S. 81, 89 (2005). Specifically, 28 U.S.C. § 1332(a)(1) applies when the dispute is between “citizens of different States.”

A limited liability company has the citizenship of each of its individual or entity members. Handelsman v. Bedford Vill. Assocs. Ltd. P’ship, 213 F.3d 48, 51–52 (2d Cir. 2000).

Regarding defendant Advanced Bionics LLC, the complaint alleges it “is located” in Valencia, California (Doc. #1 (“Compl.”) ¶ 2), and that it is “existing under and by virtue of the laws of the State of Delaware.” (Compl. ¶ 25). Plaintiffs do not, however, identify the members of Advanced Bionics, LLC, or their citizenships.

Accordingly, by January 25, 2023, plaintiffs’ counsel shall submit a letter explaining in detail the citizenship of the constituent members of Advanced Bionics, LLC, so the Court can determine whether it has subject matter jurisdiction.

Dated: January 18, 2023
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge

