

**UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT**

PATRICIA MCMANUS,  
Plaintiff,

v.

BAL RIDGEFIELD, LLC and  
B-VI MT SENIOR HOUSING, LLC,  
Defendants.

No. 3:12cv789 (SRU)

**ORDER OF REMAND**

This case must be remanded to state court for lack of subject matter jurisdiction. There is no federal question jurisdiction, because the plaintiff's complaint sounds entirely in common law negligence. *See* 28 U.S.C. § 1331. The only possible basis for subject matter jurisdiction is 28 U.S.C. § 1332, which provides that "[t]he district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interests and costs, and is between . . . citizens of different States." § 1332(a)(1). "It is axiomatic that, for diversity jurisdiction to be available, all of the adverse parties in a suit must be completely diverse with regard to citizenship." *E.R. Squibb & Sons, Inc. v. Accident & Cas. Ins. Co.*, 160 F.3d 925, 930 (2d Cir. 1998) (citing *Strawbridge v. Curtiss*, 7 U.S. (3 Cranch) 267 (1806)); *see also Handelsman v. Bedford Vill. Assoc. Ltd. P'ship*, 213 F.3d 48, 51 (2d Cir. 2000).

The plaintiff is a citizen of Connecticut. Both defendants are Delaware limited liability companies ("LLC") with their principal places of business in Wellesley, Massachusetts. For diversity purposes, however, the citizenship of an unincorporated entity like an LLC depends on the citizenship of its members, rather than the entity's principal place of business or state of organization. *Andreoni v. Forest City Enters., Inc.*, 660 F. Supp. 2d 254, 259 (D. Conn. 2009) (citing *Carden v. Arkoma Assoc.*, 494 U.S. 185, 195 (1990)).

Defendant BAL Ridgefield's sole member, Benchmark Assisted Living, LLC, has a minority member, BAL Capital Management, LLC, whose members, in turn, include some Connecticut citizens. Defendant B-VI MT Senior Housing's sole member, Intercontinental Benchmark, LLC, has a member, Benchmark Equity VI, LLC, that in turn has a member, Benchmark Incentive 2004, LLC, that has at least two individual members who are citizens of Connecticut. Thus, all parties are citizens of Connecticut for diversity jurisdiction purposes and this case cannot proceed in federal court. The clerk is instructed remand this case to state court and close the file.

So ordered.

Dated at Bridgeport, Connecticut, this 15th day of October 2013.

/s/ Stefan R. Underhill  
Stefan R. Underhill  
United States District Judge