

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WISCONSIN

**Brad Baryenbruch, and Dean Health Plan, Inc. v. SilencerCo, LLC,
SilencerCo Weapons Research, LLC, and Granite State Insurance
Company**

Baryenbruch v. SilencerCo · No. 26-cv-16-jdp · Decided February 11, 2026

SUMMARY

The court addresses party alignment, diversity-of-citizenship allegations, and the parties' stipulation regarding dismissal of certain claims in this products liability action involving an allegedly defective firearm suppressor. The court realigns Dean Health Plan, Inc. as a plaintiff and requires defendants to supplement their jurisdictional allegations by February 25, 2026. The court accepts defendants' withdrawal of their motion to dismiss and directs plaintiff to file an amended complaint omitting counts five through seven.

CASE DETAILS

COURT	United States District Court for the Western District of Wisconsin
WRITING FOR THE COURT	James D. Peterson
JURISDICTION	United States District Court for the Western District of Wisconsin
DECIDED	February 11, 2026
DOCKET	26-cv-16-jdp
DISPOSITION	other
PROCEDURAL POSTURE	Defendants removed this products liability action from Wisconsin state court based on alleged diversity jurisdiction. The court issued an order addressing party alignment, the adequacy of the allegations of diversity citizenship, withdrawal of a motion to dismiss, and amendment of the complaint.
PRECEDENTIAL VALUE	unknown

TOPICS

subject matter jurisdiction

joinder

motion to amend

products liability

civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Dean Health Plan, Inc. could be treated as an involuntary plaintiff when it appeared and indicated that it wished to participate in the action.
2. Whether defendants adequately alleged the citizenship of all parties to establish diversity jurisdiction under 28 U.S.C. § 1332.
3. Whether the parties could voluntarily dismiss only counts five through seven through a stipulation and amended pleading rather than by court order.

HOLDINGS

1. Dean Health Plan, Inc. was realigned as a plaintiff because it had appeared and indicated that it wanted to participate, and the Federal Rules of Civil Procedure do not permit a plaintiff unilaterally to force another party to join as an involuntary plaintiff.
2. Defendants had not adequately alleged the citizenship of the parties to establish diversity jurisdiction. They were required to provide supplemental materials establishing Baryenbruch's domicile, Granite State Insurance Company's state of incorporation and principal place of business, and the citizenship of the members of each defendant limited liability company.
3. The parties' stipulation constituted written consent to amend under Federal Rule of Civil Procedure 15(a)(1)(2), so no court order was needed to remove counts five through seven. Plaintiff was directed to file the amended complaint as a separate docket entry, and defendants' withdrawal of their motion to dismiss was accepted.

KEY QUOTATIONS

“And “there is nothing in the Federal Rules of Civil Procedure that permits a plaintiff unilaterally to force another party to join his lawsuit as an involuntary plaintiff.””

“To adequately allege the citizenship of an LLC, defendants must identify the LLC’s members, identify the domicile of each individual member, and identify the state of incorporation and principal place of business of each corporate member.”

FACTUAL BACKGROUND

Brad Baryenbruch alleges that a gun suppressor designed and manufactured by SilencerCo, LLC and SilencerCo Weapons Research, LLC split into pieces after he fired his rifle. He alleges that the resulting recoil injured him. Dean Health Plan, Inc. paid medical expenses on his behalf and appeared in the federal action.

PROCEDURAL HISTORY

Brad Baryenbruch filed the action in Sauk County, Wisconsin, and defendants removed it to the Western District of Wisconsin. Dean Health Plan, Inc. was designated as an involuntary plaintiff because it had paid medical expenses. Defendants moved to dismiss counts five through seven, but the parties stipulated that those counts

would be voluntarily dismissed without prejudice and that defendants would withdraw the motion. The court realigned Dean Health Plan as a plaintiff, required supplemental jurisdictional allegations by February 25, 2026, accepted withdrawal of the motion to dismiss, and directed plaintiff to file an amended complaint omitting counts five through seven.

DISPOSITION

other

REMAND INSTRUCTIONS

Defendants must file supplemental materials establishing diversity of citizenship by February 25, 2026. If defendants do not respond, the court will remand the case to state court. Plaintiff must promptly file an amended complaint omitting counts five through seven.

CASES CITED

- *Fid. Nat. Title Ins. Co. of New York v. Intercounty Nat. Title Ins. Co.*, 412 F.3d 745, 750 (7th Cir. 2005)
- *Doerner v. Oxford Fin. Grp., Ltd.*, 884 F.3d 643, 646 (7th Cir. 2018)
- *Myrick v. WellPoint, Inc.*, 764 F.3d 662, 664–65 (7th Cir. 2014)
- *Winforge, Inc. v. Coachmen Industries, Inc.*, 691 F.3d 856, 867 (7th Cir. 2012)
- *Heinen v. Northrop Grumman Corp.*, 671 F.3d 669, 670 (7th Cir. 2012)
- *City of E. St. Louis, Illinois v. Netflix, Inc.*, 83 F.4th 1066, 1070 (7th Cir. 2023)
- *Taylor v. Brown*, 787 F.3d 851, 857–58 (7th Cir. 2015)

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