

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
TENNESSEE

Jannette Thompson Abernathy and Chris Alexander Abernathy v.
The TJX Companies, Inc., EREP Forest Hill I, LLC, and The
Shopping Center Group, LLC

Abernathy · No. 2:25-cv-02727-TLP-cgc · Decided December 10, 2025

SUMMARY

The United States District Court for the Western District of Tennessee grants Plaintiffs’ motion to remand a premises-liability action to Shelby County Circuit Court. The court holds that the removing defendant failed to establish complete diversity because it did not identify the citizenship of the members and sub-members of the defendant LLCs. The court remands the case for lack of subject-matter jurisdiction.

CASE DETAILS

COURT	United States District Court for the Western District of Tennessee
WRITING FOR THE COURT	Thomas L. Parker
JURISDICTION	United States District Court for the Western District of Tennessee
DECIDED	December 10, 2025
DOCKET	2:25-cv-02727-TLP-cgc
DISPOSITION	remanded
PROCEDURAL POSTURE	Plaintiffs brought negligence and loss-of-consortium claims in Tennessee state court. Defendant TJX removed the action to federal court based on diversity jurisdiction, and plaintiffs moved to remand for lack of subject matter jurisdiction.
STANDARD OF REVIEW	The removing party bears the burden of establishing federal subject matter jurisdiction, and doubts concerning jurisdiction are resolved in favor of remand. The court must also examine subject matter jurisdiction sua sponte.
PRECEDENTIAL VALUE	unpublished district court order

PARTIES

The TJX Companies, Inc., EREP Forest Hill I, LLC, The Shopping Center Group, LLC v. Jannette Thompson Abernathy, Chris Alexander Abernathy

TOPICS

subject matter jurisdiction

civil procedure

negligence

loss of consortium

interstate disputes

PRACTICE AREAS

civil procedure

removal and remand

diversity jurisdiction

negligence

QUESTIONS PRESENTED

1. Whether the defendants established complete diversity of citizenship sufficient to support removal under 28 U.S.C. § 1332.
2. Whether the defendants established the citizenship of every member and sub-member of the defendant limited liability companies.
3. Whether the federal court should remand the action for lack of subject matter jurisdiction.

HOLDINGS

1. The removing defendants failed to establish complete diversity because they did not identify the citizenship of every member and sub-member of the defendant LLCs.
2. The court was required to remand the action to Shelby County Circuit Court because the defendants failed to establish federal subject matter jurisdiction.

KEY QUOTATIONS

“Merely asserting the state in which an LLC is organized and its principal place of business does not suffice to prove diversity. It works for corporations but not LLCs.” (PageID 75-76)

“To meet their burden, Defendants must show the citizenship of each Defendant member and sub-member to ensure this Court has jurisdiction to adjudicate the matter.” (PageID 76)

FACTUAL BACKGROUND

Jannette Thompson Abernathy was shopping at a Marshalls store in Germantown, Tennessee, in December 2024. As she walked through a grassy portion of the store's parking lot, she tripped in a hole and fell onto the asphalt, sustaining shoulder injuries that required surgery. The plaintiffs asserted negligence and loss-of-consortium claims against the store-related defendants.

PROCEDURAL HISTORY

Plaintiffs sued the defendants in Shelby County Circuit Court in June 2025. TJX timely removed the case under 28 U.S.C. §§ 1332, 1441, and 1446. The federal district court granted plaintiffs' motion to remand because the removing defendants did not establish the citizenship of every member and sub-member of the defendant LLCs.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The action is remanded to the Shelby County Circuit Court. The state court is left to decide plaintiffs' motion for leave to amend.

CASES CITED

- Pollington v. G4S Secure Sols. (USA) Inc., 712 F. App'x 566 (6th Cir. 2018)
- Steel Co. v. Citizens for a Better Env't, 523 U.S. 83, 94-95 (1998)
- Gonzalez v. Thaler, 565 U.S. 134, 141 (2012)
- Eastman v. Marine Mech. Corp., 438 F.3d 544, 549 (6th Cir. 2006)
- Akno 1010 Mkt. St. St. Louis Missouri LLC v. Pourtaghi, 43 F.4th 624, 626-627 (6th Cir. 2022)
- Hertz Corp. v. Friend, 559 U.S. 77, 80, 97 (2010)
- Jerome-Duncan, Inc. v. Auto-By-Tel, L.L.C., 176 F.3d 904, 907 (6th Cir. 1999)
- V & M Star, LP v. Centimark Corp., 596 F.3d 354, 355, 357-358 (6th Cir. 2010)
- Lincoln Prop. Co. v. Roche, 546 U.S. 81, 89 (2005)
- Delay v. Rosenthal Collins Group, LLC, 585 F.3d 1003, 1005 (6th Cir. 2009)
- Wis. Dep't of Corrs. v. Schacht, 524 U.S. 381, 389 (1998)
- Smith v. Nationwide Prop. & Cas. Ins. Co., 505 F.3d 401, 404-405 (6th Cir. 2007)
- Jacada, Ltd. v. Int'l Mktg. Strategies, Inc., 401 F.3d 701, 704 (6th Cir. 2005)

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