

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

KIM DUNN, an individual

Plaintiff,

v.

Case No: 2:13-cv-292-FtM-29UAM

TZ INSURANCE SOLUTIONS,
LLC, a Delaware limited
liability corporation,

Defendant.

ORDER

This matter comes before the Court on review of the Amended Complaint (Doc. #18) filed on August 26, 2013, in response to the Court's Order (Doc. #17) dismissing the Complaint for lack of jurisdiction.

The Amended Complaint now properly alleges the citizenship of plaintiff. (Doc. #18, ¶ 2.) Defendant limited liability corporation's sole member is identified as MG LLC and plaintiff states that none of the members of MG LLC are "residents of the State of Florida." (Id. ¶ 3.) Plaintiff will be required to specifically plead the citizenship of the members of MG LLC.

Although not previously addressed, the Court notes that the jurisdictional amount in controversy may require further factual allegations in support. "For amount in controversy purposes, the value of injunctive or declaratory relief is the 'value of

the object of the litigation' measured from the plaintiff's perspective." Morrison v. Allstate Indem. Co., 228 F.3d 1255, 1268 (11th Cir. 2000)(citations omitted). In other words, the amount in controversy "is the monetary value of the benefit that would flow to the plaintiff if the injunction" or declaratory relief were granted. Id. If the monetary value is too speculative and immeasurable, there is simply no monetary value for amount in controversy purposes. Ericsson GE Mobile Commc'ns, Inc. v. Motorola Commc'ns & Elecs., Inc., 120 F.3d 216, 221-22 (11th Cir. 1997); Leonard v. Enter. Rent a Car, 279 F.3d 967, 973 (11th Cir. 2002). Plaintiff is an insurance salesman who was told he was exempt from quotas and that he would be paid \$25.00 on every application for insurance written. (Doc. #18, ¶¶ 6, 11, 12.) Plaintiff seeks an injunction, reinstatement to the same position or an equivalent position with full benefits and seniority rights, compensation for lost wages, other compensatory damages allowable, fees, costs, and expenses. (Id., pp. 7-8.) "[T]he sum claimed by the plaintiff controls if the claim is apparently made in good faith. It must appear to a legal certainty that the claim is really for less than the jurisdictional amount to justify dismissal." St. Paul Mercury Indem. Co. v. Red Cab Co., 303 U.S. 283, 288-89 (1938)(footnotes omitted). Nonetheless, plaintiff must comply with Fed. R. Civ. P. 8 and set forth facts supporting the claim

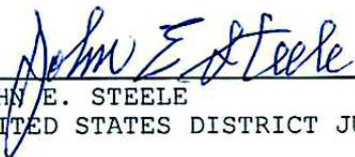
and without an indication of plaintiff's salary prior to termination, the Court cannot find that the amount in controversy is more likely than not to exceed \$75,000.

Accordingly, it is now

ORDERED:

The Amended Complaint (Doc. #18) is dismissed for lack of subject-matter jurisdiction without prejudice to filing a Second Amended Complaint within **SEVEN (7) DAYS** of this Order.

DONE AND ORDERED at Fort Myers, Florida, this 27th day of August, 2013.



JOHN E. STEELE
UNITED STATES DISTRICT JUDGE

Copies:
Counsel of record