

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

JEFFREY VERZI,

Plaintiff,

v.

Case No: 2:17-cv-186-FtM-99CM

DO IT BEST CORP. and SUPER
SERVICE HOLDINGS, LLC,

Defendants.

ORDER¹

This matter comes before the Court on review of Defendants' Notice of Removal ([Doc. 1](#)) filed on April 5, 2017. Subject-matter jurisdiction is premised on the presence of a diversity of citizenship between the parties. (*Id.* at ¶ 2).

Federal courts are courts of limited jurisdiction and are obligated to inquire about jurisdiction *sua sponte* whenever it may be lacking. See [Kokkonen v. Guardian Life Ins. Co. of Am.](#), 511 U.S. 375, 377 (1994); [Univ. of S. Ala. v. Am. Tobacco Co.](#), 168 F.3d 405, 410 (11th Cir. 1999) (citations omitted). A defendant may remove a civil case from state court provided the case could have been brought in federal court. See [28 U.S.C. § 1441\(a\)](#). Federal courts have original jurisdiction if the amount in controversy exceeds \$75,000, exclusive of interest and costs, and there is complete diversity of citizenship

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among the parties. See 28 U.S.C. § 1332(a); *Morrison v. Allstate Indem. Co.*, 228 F.3d 1255, 1261 (11th Cir. 2000). The defendant seeking removal bears the burden of establishing diversity jurisdiction as of the date of the removal. See *Moreland v. SunTrust Bank*, No. 2:13-cv-242, 2013 WL 3716400, at *1 (M.D. Fla. July 15, 2013) (citing *Pretka v. Kolter City Plaza II, Inc.*, 608 F.3d 744, 751 (11th Cir. 2010)); *Sammie Bonner Constr. Co. v. W. Star Trucks Sales, Inc.*, 330 F.3d 1308, 1310 (11th Cir. 2003)). Removal jurisdiction raises significant federalism concerns, and thus courts strictly construe removal statutes. See *Burns v. Windsor Ins. Co.*, 31 F.3d 1092, 1095 (11th Cir. 1994). Any doubt as to the presence of jurisdiction should be resolved in favor of remand. See *Russell Corp. v. Am. Home Assurance Co.*, 264 F.3d 1040, 1050 (11th Cir. 2001).

With regard to citizenship, Defendants do not identify the citizenship of the individual members of the limited liability company, and a limited liability company is a citizen of any state of which a member is a citizen. *Thermoset Corp. v. Building Materials Corp. of America*, --- F.3d ---, 2017 WL 816224, *2 (11th Cir. Mar. 2, 2017) (citing *Rolling Greens MHP, L.P. v. Comcast SCH Holdings L.L.C.*, 374 F.3d 1020 (11th Cir. 2004) (noting that the pleadings are required to provide the citizenship of each LLC member to invoke the District Court's diversity jurisdiction)). Therefore, the Court cannot determine the citizenship of Super Service Holdings, LLC, or that diversity of jurisdiction is present. Defendants will be provided an opportunity to state the presence of federal jurisdiction.


Accordingly, it is now

ORDERED:

Defendants shall supplement the Notice of Removal in accordance with the above on or before **April 21, 2017**, or otherwise **show cause** by this date why this case should

not be remanded for failure to establish subject-matter jurisdiction based on the presence of diversity jurisdiction at the time of removal. **Failure to comply with this Order will result in this case being remanded without further notice.**

DONE and **ORDERED** in Fort Myers, Florida this 7th day of April, 2017.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record