

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

MELA PROPERTIES, LLC,

Plaintiff,

v.

Case No: 2:18-cv-404-FtM-99CM

CERTAIN UNDERWRITERS AT  
LLOYD'S OF LONDON,

Defendant.

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**ORDER**<sup>1</sup>

This matter comes before the Court on *sua sponte* review of Mela Properties, LLC's Complaint filed on June 11, 2018. ([Doc. 1](#)). Mela brings this action against Defendant Certain Underwriters at Lloyd's of London for a declaratory judgment and breach of contract. Mela cites diversity jurisdiction as the basis for the Court's subject matter jurisdiction.

Because federal courts have limited jurisdiction, they are "obligated to inquire into subject matter jurisdiction *sua sponte* whenever it may be lacking." [Univ. of S. Ala. v. Am. Tobacco Co.](#), 168 F.3d 405, 410 (11th Cir. 1999). In an action filed directly in federal court, the plaintiff must plead and prove jurisdiction. See [King v. Cessna Aircraft Co.](#), 505 F.3d 1160, 1170 (11th Cir. 2007). Federal courts have diversity jurisdiction over a matter if the amount in controversy exceeds \$75,000, exclusive of interest and costs, and there

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is complete diversity of citizenship among the parties. See [28 U.S.C. § 1332\(a\)](#); [Morrison v. Allstate Indem. Co.](#), 228 F.3d 1255, 1261 (11th Cir. 2000). Here, the diversity of citizenship prong is problematic.

A limited liability company, like Mela, is a citizen of every state in which one of its members is located. [Rolling Greens MHP, L.P. v. Comcast SCH Holdings L.L.C.](#), 374 F.3d 1020 (11th Cir. 2004). Each member of the LLC must be diverse from the opposing party. See [Lincoln Prop. Co. v. Roche](#), 546 U.S. 81, 89 (2005). In the Complaint, Mela alleges that it is “a Limited Liability Company residing in and/or otherwise authorized to transact business within the State, including, without limitation, Naples, Collier County, Florida.” ([Doc. 1 at ¶ 3](#)). This allegation falls short of telling the Court the domicile of Mela’s individual members. See [McCormick v. Aderholt](#), 293 F.3d 1254, 1257 (11th Cir. 2002) (stating an individual is a citizen where he is domiciled, not necessarily where he is a resident). Without allegations on domiciles of Mela’s members, Mela has not adequately pled diversity of citizenship.

Mela’s allegation on Underwriters’ citizenship fares no better. Mela only alleges that “Underwriters conducts the business of insurance within the State of Florida, including, without limitation, Naples, Collier County, Florida.” ([Doc. 1 at ¶ 4](#)). This allegation gives no insight into Underwriters’ citizenship for purposes of diversity jurisdiction. See, e.g., [28 U.S.C. § 1332\(c\)\(1\)](#).

Because Mela has not sufficiently pled each party’s citizenship, the Court lacks subject matter jurisdiction over this case. The Court thus dismisses the Complaint without prejudice.


Accordingly, it is now

**ORDERED:**

(1) Plaintiff Mela Properties, LLC's Complaint ([Doc. 1](#)) is **DISMISSED without prejudice.**

(2) Mela may file an amended complaint consistent with this Order on or before **June 19, 2018.** Failure to do so will result in the Court closing this case.

**DONE** and **ORDERED** in Fort Myers, Florida this 12th day of June 2018.

  
**SHERI POLSTER CHAPPELL**  
**UNITED STATES DISTRICT JUDGE**

Copies: All Parties of Record