

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

GREGORY M MICHAEL and
PAMELA S MICHAEL,

Plaintiffs,

v.

Case No.: 2:24-cv-516-SPC-KCD

NATIONAL SPECIALTY
INSURANCE COMPANY,

Defendant.

ORDER

Before the Court is Defendant National Specialty Insurance Company's Notice of Removal. (Doc. 1). Plaintiffs brought this breach of contract action in state court, and Defendant removed to federal court, invoking diversity jurisdiction.

A defendant may remove a civil action from state court if the federal court has original jurisdiction. *See* 28 U.S.C. § 1441(a). "The existence of federal jurisdiction is tested at the time of removal." *Adventure Outdoors, Inc. v. Bloomberg*, 552 F.3d 1290, 1294-95 (11th Cir. 2008); 28 U.S.C. § 1447(c). "A removing defendant bears the burden of proving proper federal jurisdiction." *Leonard v. Enter. Rent a Car*, 279 F.3d 967, 972 (11th Cir. 2002). And 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).

Federal courts have diversity jurisdiction over civil actions where there is complete diversity of citizenship between the parties and the amount in controversy exceeds \$75,000, exclusive of interest and costs. *See* 28 U.S.C. § 1332(a). Here, the Court has concerns about the amount in controversy.

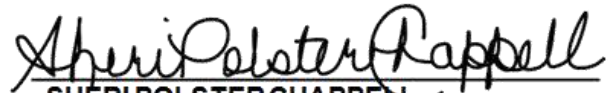
The amount in controversy is unclear. Because the complaint alleges only the state-court jurisdictional amount, Defendant relies on Plaintiffs’ Notice of Intent to Initiate Litigation (“NOI”) to show the amount in controversy exceeds \$75,000. The NOI provides a \$208,001.00 damages estimate. (Doc. 1-3 at 2). But it provides nothing to support this figure. Without specific details or supporting documents, the NOI does not prove the amount in controversy by a preponderance of the evidence. *See, e.g., Finnecy v. Scottsdale Ins. Co.*, No. 2:23-CV-1067-SPC-KCD, 2023 WL 9110867, at *1 (M.D. Fla. Dec. 21, 2023). Defendant must produce more to show the amount in controversy exceeds \$75,000.

Accordingly, it is now

ORDERED:

On or before June 19, 2024, Defendant must **SUPPLEMENT** its notice of removal consistent with this Order. **Failure to do so will result in remand without further notice.**

DONE and **ORDERED** in Fort Myers, Florida on June 4, 2024.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record