

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

ROARING FORK 2, LLC,

Plaintiff,

v.

Case No. 6:17-cv-877-Orl-37GJK

AMERICAN STATES INSURANCE
COMPANY,

Defendant.

ORDER

Plaintiff initiated this action in state court on April 12, 2017, asserting that Defendant breached an insurance policy by denying its claim for covered property damage. (Doc. 2.) Defendant subsequently removed the action to this Court on grounds of diversity jurisdiction. (Doc. 1.) However, upon review of the Notice of Removal, the Court is unable to determine whether there is complete diversity between the parties, as Defendant has failed to properly allege Plaintiff's citizenship.

Importantly, Plaintiff is a limited liability company ("LLC"). For purposes of diversity jurisdiction, the citizenship of an "unincorporated entity generally depends on the citizenship of all the members composing the organization." *Rolling Greens MHP, L.P. v. Comcast SCH Holdings L.L.C.*, 374 F.3d 1020, 1021 (11th Cir. 2004) (citing *Carden v. Arkoma Assocs.*, 494 U.S. 185, 195-96 (1990)). Thus, an LLC is a citizen of any state where one or more of its members is a citizen. *See id.* Here, Defendant has alleged only that: (1) Plaintiff's managing member is a Florida citizen; and (2) all of Plaintiff's members are

Florida citizens. (Doc. 1, ¶ 8.) However, to assure itself of its jurisdiction, this Court requires Defendant to identify *each* member of the LLC and allege their citizenship individually.


In addition, Defendant has moved to stay the action pending the completion of a neutral evaluation of the property at issue.¹ (Doc. 3 (“**Motion to Stay**”).) Hence Defendant was required to comply with the meet-and-confer requirement set forth in Local Rule 3.01(g) before filing such motion. Because it did not, the Court finds that the Motion to Stay is due to be denied without prejudice for noncompliance with the Local Rules.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. On or before Tuesday, **June 6, 2017**, Defendant is **DIRECTED** to submit documentation identifying each member of Plaintiff Roaring Fork 2, LLC, and asserting their respective citizenship.
2. American States Insurance Company’s Notice of Automatic Stay Pending Completion of Neutral Evaluation (Doc. 3), which the Court construes as a motion to stay, is **DENIED WITHOUT PREJUDICE** for noncompliance with Local Rule 3.01(g).

DONE AND ORDERED in Chambers in Orlando, Florida, on May 23, 2017.




ROY B. DALTON JR.
United States District Judge

¹ Though Defendant titled the document as a “notice,” it requests an Order staying this action and is, therefore, an application for relief. (See Doc. 3, p. 2.)

Copies to:
Counsel of Record