

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No. 12-61469-Civ-SCOLA

VILLAS AT MEADOW  
LAKES CONDOMINIUM,

Plaintiff,

vs.

UNITED STATES LIABILITY  
INSURANCE COMPANY,

Defendant.

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**ORDER CONSTRUING PLAINTIFF'S OBJECTION TO PETITION OF REMOVAL  
AS MOTION TO REMAND AND REQUIRING RESPONSE FROM DEFENDANT**

THIS MATTER is before the Court upon independent review of the record, following the filing of [ECF No. 6] Plaintiff's Objection to Defendant's Petition for Removal. The Court construes this filing as a Motion to Remand and hereby directs the Defendant to file a response by **August 10, 2012**.

Plaintiff, albeit somewhat inartfully, appears to argue that this Court lacks subject matter jurisdiction over the instant controversy because this is a direct action by an insured against an insurer. The diversity statute states that, in such actions, the defendant insurer is deemed a citizen of every state of which the plaintiff insured is a citizen. 28 U.S.C. § 1332(c). If that is true, then both Plaintiff and Defendant are deemed citizens of Florida, and diversity is defeated. Defendant shall address this contention in its response to Plaintiff's filing.

**DONE and ORDERED** in chambers, at Miami, Florida on August 1, 2012.



**ROBERT N. SCOLA, JR.**  
**UNITED STATES DISTRICT JUDGE**

*Copies to:*  
U.S. Magistrate Judge  
Counsel of record