

United States District Court  
for the  
Southern District of Florida

Kevin Karpel, Plaintiff, )  
 )  
v. ) Civil Action No. 21-24168-Civ-Scola  
 )  
Knauf Gips KG, et al., Defendants. )

**Order Granting Second Renewed Joint Motion to  
Amend Pleadings by Interlineation**

This matter is before the Court on the parties' joint stipulation of facts and second renewed joint motion to amend pleadings by interlineation. (ECF No. 142.) Having reviewed the motion, the record, and the relevant legal authorities, and acknowledging that the parties jointly request relief, the Court **grants** the motion. (**ECF No. 142.**)

Pursuant to Federal Rule of Civil Procedure 15(a)(2), a party seeking to amend its complaint outside of the time to amend it as a matter of course may do so only with the opposing party's written consent or the court's leave. Leave shall be freely given when justice so requires. Rule 15(a) reflects a policy of "liberally permitting amendments" and absent a "substantial reason to deny leave to amend" a plaintiff's request should be granted. *Espey v. Wainwright*, 734 F.2d 748, 750 (11th Cir. 1984).

The parties jointly seek leave to amend the Plaintiff Kevin Karpel's amended complaint (ECF No. 5) and the Defendants Knauf Gips KG and Knauf New Building System (Tianjin) Co. Ltd.'s (collectively, the "Knauf Defendants") answer and affirmative defenses to the amended complaint (ECF No. 80) by interlineation for the limited purpose of substituting certain paragraphs to correct deficient jurisdictional allegations. The parties have already stipulated to the facts underlying the proposed amended allegations and admissions. (See ECF No. 142.) Accordingly, the Court finds that the parties have shown good cause for the limited amendment by interlineation requested. *See* 71 C.J.S. Pleading § 437 (2011) ("Subject to the discretion of the court, and in the absence of a statute or rule of court providing otherwise, amendment by interlineation is considered permissible."). Accordingly:

**I. Plaintiff's Amended Complaint**

Paragraph 7 of the Plaintiff Kevin Karpel's amended complaint (ECF No. 5) is hereby **amended** by interlineation and shall include the following allegations:

7(a). Defendant Knauf Gips KG is a German limited partnership, formed in Germany, with a principal place of business in Germany. A Kommanditgesellschaft (KG) is a limited partnership business structure in which two or more entrepreneurs or companies team up to run a trade under a common company. For purposes of diversity jurisdiction, Knauf Gips KG is akin to a domestic U.S. partnership. Its two partners are Gebr. Knauf KG and Isogranulat GmbH.

7(b). Defendant Knauf New Building System (Tianjin) Co. Ltd. (f/k/a Knauf Plasterboard (Tianjin) Co., Ltd.) is a Chinese limited company, incorporated in China, with a principal place of business in China. Companies formed in China with the designation “Ltd.” are companies with limited liability under Chinese law. For purposes of diversity jurisdiction, Knauf New Building System (Tianjin) Co. Ltd. (f/k/a Knauf Plasterboard (Tianjin) Co., Ltd.) is akin to a domestic U.S. corporation. Nonetheless, if characterized as being akin to a domestic U.S. limited liability company for diversity jurisdiction purposes, its sole member is Knauf Singapore Pte. Ltd.

7(c). Knauf Singapore Pte. Ltd. is a Singaporean limited company, incorporated in Singapore, with a principal place of business in Singapore. A company formed in Singapore with the designation “Ltd.” indicates that the ownership of the company is limited by shares, similar to a corporation formed in the United States. For purpose of diversity jurisdiction, Knauf Singapore Pte. Ltd. is akin to a domestic U.S. corporation. Nonetheless, if characterized as being akin to a domestic U.S. limited liability company for diversity jurisdiction purposes, its sole member is Knauf International GmbH.

7(d). Knauf International GmbH is a Gesellschaft mit beschränkter Haftung, which is a German limited liability company, incorporated in Germany, with its principal place of business in Germany. For purposes of diversity jurisdiction, Knauf International GmbH is akin to a domestic U.S. corporation. Nonetheless, if characterized as being akin to a domestic U.S. limited liability company for purposes of diversity jurisdiction, its members are Gebr. Knauf KG and Isogranulat GmbH.<sup>1</sup>

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<sup>1</sup> See *Env't Prot. Comm'n of Hillsborough Cnty., Fla. v. Mercedes-Benz USA, LLC*, No. 8:20-CV-2238-VMC-JSS, 2023 WL 1781559, at \*2 (M.D. Fla. Feb. 6, 2023) (following dismissal, appeal, and limited remand by the 11<sup>th</sup> Circuit Court of Appeals on the issue of diversity jurisdiction, district court concluded that German GmbH entity is more akin to a domestic corporation for purposes of diversity jurisdiction, and alternatively concluded that even if characterized as akin to a domestic LLC for purposes of diversity jurisdiction, the members of the entity were diverse and allowed subject-matter jurisdiction).

7(e). Isogranulat GmbH is a German Gesellschaft mit beschränkter Haftung, which is a German limited liability company, incorporated in Germany, with its principal place of business in Germany. For purposes of diversity jurisdiction, Isogranulat GmbH is akin to a domestic U.S. corporation. Nonetheless, if characterized as being akin to a domestic U.S. limited liability company for purposes of diversity jurisdiction, its sole member is Gebr. Knauf KG.

7(f). Gebr. Knauf KG is a German limited partnership, formed in Germany, with its principal place of business in Germany. For purposes of diversity jurisdiction, Gebr. Knauf KG is akin to a domestic U.S. partnership. All partners of Gebr. Knauf KG are identified and detailed in subparagraphs 7(g)–7(o).

7(g). Gebr. Knauf KG's partners that are individual citizens of Germany and Austria are:

<b>Name</b>	<b>Citizenship for Diversity</b>
Kampmeyer, Jörg	German
Knauf, Alexander H.	German
Knauf, Baldwin	German
Knauf, Christine	German
Knauf, Isabel	German
Knauf, Karl H.	German
Knauf, Karl K.	German
Knauf, Lothar	German
Knauf, Mathias M.	German
Knauf, Nikolaus	German
Knauf, Philippe E.	German
Knauf, Rupert N.	German
Knauf, Thies K.R.	German

Knotzer, Uwe	Austrian
Peter-Knauf, Beatrix	German
Werhahn, Angelika	German

7(h). Gebr. Knauf KG's partners that are German trusts are AFK Familienstiftung and CK Familienstiftung.

7(h)(i). For purposes of diversity jurisdiction, AFK Familienstiftung is a German trust formed in Germany and is akin to a domestic U.S. traditional trust as it has the characteristics of a traditional trust, in which the trustee possesses certain customary powers and is the real party in interest. The trustee of AFK Familienstiftung is Alfons F. Knauf, an individual citizen of Germany. The beneficiaries of AFK Familienstiftung are Alfons F. Knauf, a German citizen, Alfons J. Knauf, a German citizen, and two minor children, each of which is a German citizen.

7(h)(ii). For purposes of diversity jurisdiction, CK Familienstiftung is a German trust formed in Germany and is akin to a domestic U.S. traditional trust, in which the trustee possesses certain customary powers and is the real party in interest. The trustee of CK Familienstiftung is Carlo Knauf, an individual citizen of Germany. The beneficiaries of CK Familienstiftung are Carlo Knauf, a German citizen, Maximilian A. Knauf, a German citizen, and two minor children, each of which is a German citizen.

7(i). Gebr. Knauf KG's partner that is a German limited liability company is Alexander Knauf Beteiligungs GmbH, a German limited liability company, incorporated in Germany, with its principal place of business in Germany. For purposes of diversity jurisdiction, Alexander Knauf Beteiligungs GmbH is akin to a domestic U.S. corporation. Nonetheless, if characterized as being akin to a domestic U.S. limited liability company for purposes of diversity jurisdiction, its members are Alexander Knauf, a German citizen, Christian Baldwin Knauf, a German citizen, and Caroline Lilly Knauf, a German citizen.

7(j). Gebr. Knauf KG's partners that are a German partnership are Axel Knauf Beteiligungs GmbH & Co. KG, Christiane Knauf Beteiligungs GmbH & Co. KG, Dr. Albrecht Knauf Beteiligungs GmbH & Co. KG, Sebastian Knauf Beteiligungs GmbH & Co. KG, and Xavier Knauf Beteiligungs GmbH & Co. KG.

7(k). Axel Knauf Beteiligungs GmbH & Co. KG is a German partnership, formed in Germany, with its principal place of business in Germany. For purposes of diversity jurisdiction, Axel Knauf Beteiligungs GmbH & Co. KG is akin to a domestic U.S. partnership. Its partners are Axel Knauf Verwaltungsgesellschaft mbH; Axel Knauf, a Belgium citizen; Benjamin Axel Roger Knauf, a Belgium citizen; Gabrielle Davina Marina Ghislaine Knauf, a Belgium citizen; and Gisèle Elisabeth Eugénie Knauf, a Belgium citizen. Axel Knauf Verwaltungsgesellschaft mbH is a German limited liability company, incorporated in Germany, with its principal place of business in Germany. For diversity purposes, Axel Knauf Verwaltungsgesellschaft mbH is akin to a domestic U.S. corporation. Nonetheless, if characterized as being akin to a domestic U.S. limited liability company for purposes of diversity jurisdiction, Axel Knauf Verwaltungsgesellschaft mbH's sole member is Axel Knauf, a Belgium citizen.

7(l). Christiane Knauf Beteiligungs GmbH & Co. KG is a German partnership, formed in Germany, with its principal place of business in Germany. For purposes of diversity jurisdiction, Christiane Knauf Beteiligungs GmbH & Co. KG is akin to a domestic U.S. partnership. Its partners are Christiane Knauf Verwaltungsgesellschaft mbH; Christiane Knauf, a German citizen; Aron Antonin Knauf, a German citizen; Cosima Dorothea Knauf, a German citizen; Lucia Zoë Knauf, a German citizen; and Quentin Knauf, a German citizen. Christiane Knauf Verwaltungsgesellschaft mbH is a German limited liability company, incorporated in Germany, with its principal place of business in Germany. For purposes of diversity jurisdiction, Christiane Knauf Verwaltungsgesellschaft mbH is akin to a domestic U.S. corporation. Nonetheless, if characterized as being akin to a domestic U.S. limited liability company for purposes of diversity jurisdiction, Christiane Knauf Verwaltungsgesellschaft mbH's sole member is Christiane Knauf, a German citizen.

7(m). Dr. Albrecht Knauf Beteiligungs GmbH & Co. KG is a German partnership, formed in Germany, with its principal place of business in Germany. For purposes of diversity jurisdiction, Dr. Albrecht Knauf Beteiligungs GmbH & Co. KG is akin to a domestic U.S. partnership. Its partners are Dr. Albrecht Knauf Verwaltungs- und Beteiligungsgesellschaft mbH; Thomas Albrecht Knauf, a German Citizen; Julius Knauf, a German citizen; Martin Bernhard Knauf, a German citizen; and Robert Matthias Knauf, a German citizen. Dr. Albrecht Knauf Verwaltungs- und Beteiligungsgesellschaft mbH is a German limited liability company, incorporated in Germany, with its principal place of business in Germany. For purposes of diversity jurisdiction, Dr. Albrecht Knauf Verwaltungs- und

Beteiligungsgesellschaft mbH is akin to a domestic U.S. corporation. Nonetheless, if characterized as being akin to a domestic U.S. limited liability company for purposes of diversity jurisdiction, Dr. Albrecht Knauf Verwaltungs- und Beteiligungsgesellschaft mbH's members are Thomas Albrecht Knauf, a German citizen; Martin Bernhard Knauf, a German citizen; and Robert Matthias Knauf, a German citizen.

7(n). Sebastian Knauf Beteiligungs GmbH & Co. KG is a German partnership, formed in Germany, with its principal place of business in Germany. For purposes of diversity jurisdiction, Sebastian Knauf Beteiligungs GmbH & Co. KG is akin to a domestic U.S. partnership. Its partners are Sebastian Knauf Verwaltungsgesellschaft mbH; Sebastian Knauf, a Belgium citizen; Augustin Axel Julien Knauf, a Belgium citizen; Félix Lothar Paul Knauf, a Belgium citizen; and Gaspard Julien Alexandre Knauf, a Belgium citizen. Sebastian Knauf Verwaltungsgesellschaft mbH is a German limited liability company, incorporated in Germany, with its principal place of business in Germany. For purposes of diversity jurisdiction, Sebastian Knauf Verwaltungsgesellschaft mbH is akin to a domestic U.S. corporation. Nonetheless, if characterized as being akin to a domestic U.S. limited liability company for purposes of diversity jurisdiction, Sebastian Knauf Verwaltungsgesellschaft mbH's sole member is Sebastian Knauf, a Belgium citizen.

7(o). Xavier Knauf Beteiligungs GmbH & Co. KG is a German partnership, formed under the laws of Germany, with its principal place of business in Germany. For purposes of diversity jurisdiction, Xavier Knauf Beteiligungs GmbH & Co. KG is akin to a domestic U.S. partnership. Its partners are Xavier Knauf Verwaltungsgesellschaft mbH; Xavier Knauf, a Belgium citizen; Elyne Raphaelle Davine Suzi Louise Knauf, a Belgium citizen; and Nathan Axel Marine Marc Lothar Knauf, a Belgium citizen. Xavier Knauf Verwaltungsgesellschaft mbH is a German limited liability company, incorporated in Germany, with its principal place of business in Germany. For purposes of diversity jurisdiction, Xavier Knauf Verwaltungsgesellschaft mbH is akin to a domestic U.S. corporation. Nonetheless, if characterized as being akin to a domestic U.S. limited liability company for purposes of diversity jurisdiction, Xavier Knauf Verwaltungsgesellschaft mbH's sole member is Xavier Knauf, a Belgium citizen.

## II. Knauf Defendants' Answer and Affirmative Defenses


Paragraph 7 of the Knauf Defendants' answer and affirmative defenses to the amended complaint (ECF No. 80) is hereby **amended** by interlineation and shall include the following admissions:

- 7(a). Admitted.
- 7(b). Admitted.
- 7(c). Admitted.
- 7(d). Admitted.
- 7(e). Admitted.
- 7(f). Admitted.
- 7(g). Admitted.
- 7(h). (including subparts (i) and (ii)) Admitted.
- 7(i). Admitted.
- 7(j). Admitted.
- 7(k). Admitted.
- 7(l). Admitted.
- 7(m). Admitted.
- 7(n). Admitted.
- 7(o). Admitted.

## III. Conclusion

By the parties' joint stipulation and this order, the above jurisdictional allegations and admissions are hereby **incorporated** into the pleadings (ECF Nos. 5, 80). Based upon the pleadings as amended, the Court finds that it has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332(a). Having made this determination, the Court **directs** the Clerk to return the record of this case, as supplemented, to the United States Court of Appeals for the Eleventh Circuit for further proceedings.

**Done and ordered** at Miami, Florida on June 14, 2023.



Robert N. Scola, Jr.  
United States District Judge