

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

PROGRESSIVE EXPRESS  
INSURANCE COMPANY, an Ohio  
corporation,

Plaintiff,

v.

Case No. 3:18-cv-463-J-32MCR

PS&O TRANSPORT, LLC and ALBY  
GRISSOM,

Defendants.

---

**ORDER**

This declaratory judgment action is before the Court on Defendant Alby Grissom's Motion to Dismiss Complaint for Declaratory Judgment (Doc. 5), to which Plaintiff Progressive Express Insurance Company has responded (Doc. 7).<sup>1</sup> Grissom argues that the Court lacks subject matter jurisdiction because the amount in controversy does not exceed \$75,000, as required by the diversity jurisdiction statute, 28 U.S.C. § 1332. Grissom states that the medical bills to date in the underlying personal injury case giving rise to the action before this Court equal \$31,777.48, and that as a result, this case is due to be dismissed. (Doc. 5 at 2). Progressive responds that in light of Grissom's assertion that his damages do not exceed \$75,000, it concedes

---

<sup>1</sup> Defendant PS&O Transport, LLC has been served (Doc. 6), but has yet to appear in this action.

that the Court lacks subject matter jurisdiction and this case should be dismissed.  
(Doc. 7).

Accordingly, it is hereby

**ORDERED:**

1. Defendant Alby Grissom's Motion to Dismiss Complaint for Declaratory Judgment (Doc. 5) is **GRANTED**.

2. This case is **DISMISSED without prejudice** for lack of subject matter jurisdiction.

3. Plaintiff shall send Defendant PS&O Transport, LLC a copy of this Order.

4. The Clerk shall close the file.

**DONE AND ORDERED** in Jacksonville, Florida the 13th day of June, 2018.



TIMOTHY J. CORRIGAN  
United States District Judge

sj  
Copies:

Counsel of record