

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

AUTO-OWNERS INSURANCE COMPANY,  
SOUTHERN-OWNERS INSURANCE COMPANY,  
and OWNERS INSURANCE COMPANY,

Plaintiffs,

v.

Case No. 8:18-cv-1815-T-33JSS

MICHELLE WITZER, as the Personal  
Representative of the Estate of  
Stephen Witzer, GRAHAM HILDEBRAND,  
JOHNORA L. HILDEBRAND, STEVE WITZER  
CLASSIC MOTORS, INC., BECCA PROPERTIES,  
LLC and VENICE MARINE PARK, LLC,

Defendants.

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**ORDER**

This cause is before the Court sua sponte. "A federal court not only has the power but also the obligation at any time to inquire into jurisdiction whenever the possibility that jurisdiction does not exist arises." Fitzgerald v. Seaboard Sys. R.R., Inc., 760 F.2d 1249, 1251 (11th Cir. 1985); see also Hallandale Prof'l Fire Fighters Local 2238 v. City of Hallandale, 922 F.2d 756, 759 (11th Cir. 1991) ("[E]very federal court operates under an independent obligation to ensure it is presented with the kind of concrete controversy upon which its constitutional grant of authority is based.").

### **Diversity Jurisdiction**

It is well settled that "for federal diversity jurisdiction to attach, all parties must be completely diverse and the amount in controversy must exceed \$75,000." Underwriters at Lloyd's London v. Osting-Schwinn, 613 F.3d 1079, 1085 (11th Cir. 2010). Here, the Complaint alleges that the amount in controversy exceeds \$75,000.00 (Doc. # 1 at ¶ 2) and describes catastrophic injuries and hospital bills "totaling over \$1 million." (Id. at ¶ 5). The Court is satisfied that the amount in controversy is sufficiently alleged for jurisdictional purposes.

And the Complaint contains appropriate allegations to establish the complete diversity of the parties with one exception. The Complaint alleges that Michelle Witzer (a member of Becca Properties, LLC) is a "resident" of Florida. (Id. at ¶ 20). A limited liability company is a business entity which can be comprised of multiple members or partners. In order for a complaint "to sufficiently allege the citizenships of . . . unincorporated business entities, a party must list the citizenships of all the members of the limited liability company." See Rolling Greens MHP, L.P. Comcast SCH Holdings LLC, 374 F3d 1020, 1022 (11th Cir. 2004). Without knowing the citizenship of Michelle Witzer, an individual member, the Court is unable to determine whether the requirements of complete diversity have been satisfied.


Accordingly, the Court directs Plaintiffs to file an Amended Complaint alleging the identity and citizenship of every member of Becca Properties, LLC by **August 9, 2018**. Failure to do so will result in the entry of an Order dismissing this case for lack of jurisdiction. See Travaglio v. Am. Express Co., 735 F.3d 1266, 1268 (11th Cir. 2013) ("When a plaintiff files suit in federal court, she must allege facts that, if true, show federal subject matter jurisdiction over her case exists. Those allegations, when federal jurisdiction is invoked based on diversity, must include the citizenship of each party, so that the court is satisfied that no plaintiff is a citizen of the same state as any defendant . . . . Without such allegations, district courts are constitutionally obligated to dismiss the action altogether if the plaintiff does not cure the deficiency.").

Accordingly, it is

**ORDERED, ADJUDGED, and DECREED:**

Plaintiffs are directed to file an Amended Complaint containing appropriate jurisdictional allegations, consistent with the foregoing, by **August 9, 2018**. Failure to do so will result in the entry of an Order dismissing this case for lack of jurisdiction.

**DONE** and **ORDERED** in Chambers in Tampa, Florida, this 2nd day of August, 2018.

  
VIRGINIA M. HERNANDEZ COVINGTON  
UNITED STATES DISTRICT JUDGE