

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

CHEYANNE GAGNON,

Plaintiff,

v.

Case No: 2:19-cv-48-FtM-38UAM

MARCUS CANTOS and MARCUS  
CANTOS REPTILES, LLC D.B.A  
THE TURTLE SOURCE,

Defendants.

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**OPINION AND ORDER**<sup>1</sup>

Before the Court is Defendants Marcus Cantos Reptiles, LLC d/b/a The Turtle Source and Marcus Cantos' Response to Opinion and Order Regarding Subject Matter Jurisdiction. ([Doc. 11](#)). Earlier this year, Defendants removed this case to federal court based on an allegation in Plaintiff Cheyanne Gagnon's breach of contract claim that Defendants failed to pay her, among other things, "statutory overtime wages." ([Doc. 1 at 1-2](#); [Doc. 3 at 7](#)). Defendants interpreted that phrase as Gagnon seeking to recover under the Fair Labor Standards Act and this Court having federal question diversity. The Court disagreed and ordered Defendants to supplement their Notice of Removal to show cause why this case should not be remanded for lack of subject matter jurisdiction. ([Doc. 10](#)). Defendants have done so but have "defer[red]" to the Court's legal analysis on subject

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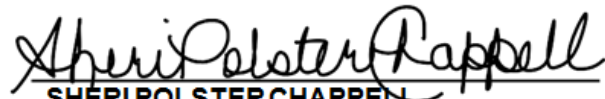
matter jurisdiction.” The Court thus stands by its prior Order ([Doc. 10](#)) and remands this case for lack of subject matter jurisdiction.

Accordingly, it is now

**ORDERED:**

- (1) The above-captioned case is **DISMISSED** for lack of subject matter jurisdiction and **REMANDED** to the Circuit Court of the Twentieth Judicial Circuit in and for Lee County, Florida.
- (2) The Clerk of Court is **DIRECTED** to transmit a certified copy of this Order to the Clerk of the Circuit Court of the Twentieth Judicial Circuit in and for Lee County, Florida.
- (3) The Clerk of Court is **DIRECTED** to terminate pending motions and deadlines and close the case.

**DONE** and **ORDERED** in Fort Myers, Florida this 4th day of March 2019.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record