

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

DEREK CHASE,

Plaintiff,

v.

Case No.: 2:22-cv-794-SPC-KCD

JOMASHOP, INC.,

Defendant.

_____ /

ORDER¹

Before the Court is Defendant Jomashop, Inc.'s Notice of Removal. ([Doc. 1](#)). This is a putative class action case alleging violation of the Florida Telephone Solicitation Act. ([Doc. 1-2](#)). Jomashop removed based on diversity jurisdiction. ([Doc. 1](#)).

A defendant may remove a case from state court if the federal court has original jurisdiction. 28 U.S.C. § 1441(a). “The existence of federal jurisdiction is tested at the time of removal.” *Adventure Outdoors, Inc. v. Bloomberg*, 552 F.3d 1290, 1294-95 (11th Cir. 2008); 28 U.S.C. § 1447(c). “A removing defendant bears the burden of proving proper federal jurisdiction.” *Leonard v.*

¹ Disclaimer: Papers hyperlinked to CM/ECF may be subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or their services or products, nor does it have any agreements with them. The Court is not responsible for a hyperlink's functionality, and a failed hyperlink does not affect this Order.

Enter. Rent a Car, 279 F.3d 967, 972 (11th Cir. 2002). Because federal courts have limited jurisdiction, they are “obligated to inquire into subject matter jurisdiction sua sponte whenever it may be lacking.” *Univ. of S. Ala. v. Am. Tobacco Co.*, 168 F.3d 405, 410 (11th Cir. 1999). And removal statutes are strictly construed with doubts resolved for remand. *Dudley v. Eli Lilly & Co.*, 778 F.3d 909, 912 (11th Cir. 2014).

Federal courts generally have original jurisdiction over cases with complete diversity and an amount in controversy over \$75,000, exclusive of interest and costs. 28 U.S.C. § 1332(a). But for class actions, the diversity requirements are relaxed and the amount in controversy must be over \$5,000,000, exclusive of interests and costs. 28 U.S.C. § 1332(d).

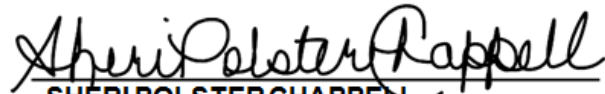
Here, Jomashop has not shown the amount in controversy. The alleged total damages are approximately \$1,250,000, far short of the statutory requirement. ([Doc. 1 at 4](#)).

Accordingly, it is now

ORDERED:

1. Defendant Jomashop, Inc. must **SUPPLEMENT** its Notice of Removal on or before **December 29, 2022**, to show cause why this case should not be remanded for lack of subject-matter jurisdiction.
2. **Failure to comply with this Order will cause this case to be remanded without further notice.**

DONE and **ORDERED** in Fort Myers, Florida on December 15, 2022.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record