

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

CAREERSTAFF UNLIMITED,
LLC,

Plaintiff,

v.

Case No.: 2:23-cv-109-SPC-KCD

PORT CHARLOTTE OPCO, LLC,

Defendant.

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ORDER¹

Before the Court is Plaintiff CareerStaff Unlimited, LLC's Complaint. ([Doc. 1](#)). This is a contract dispute that has been filed in federal court based upon diversity jurisdiction. ([Doc. 1](#)).

Federal courts 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). Here, CareerStaff has not adequately alleged diversity of citizenship. CareerStaff identifies all parties to be diverse but provides insufficient information about the citizenship of itself and Defendant Port Charlotte OPCO, LLC.

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.

CareerStaff and Port Charlotte OPCO are identified as limited liability companies. ([Doc. 1 at 1-2](#)). A limited liability company is a citizen of every state in which one of its members is domiciled. *Rolling Greens MHP, L.P. v. Comcast SCH Holdings L.L.C.*, 374 F.3d 1020 (11th Cir. 2004); *McCormick v. Aderholt*, 293 F.3d 1254, 1257-58 (11th Cir. 2002) (citizenship is determined by “domicile,” or “the place of his true, fixed, and permanent home and principal establishment . . . to which he has the intention of returning whenever he is absent therefrom”). Because of this, it is not enough to allege the citizenship of *some* members of the limited liability company. *Rolling Greens MHP, L.P.*, 374 F.3d at 1022 (“To sufficiently allege the citizenships of these unincorporated business entities, a party must list the citizenships of *all* the members of the limited liability company”) (emphasis added). Each member of the LLC must be diverse from the opposing party for federal diversity jurisdiction to exist. *Flintlock Constr. Servs., LLC v. Well-Come Holdings, LLC*, 710 F.3d 1221, 1224-25 (11th Cir. 2013).


CareerStaff only told the Court where the managing members of it and Port Charlotte OCPCO are domiciled. That is not enough. Because CareerStaff alleges nothing about how many members it or Port Charlotte OPCO has and where all members are domiciled, CareerStaff has not adequately pled diversity of citizenship.

Accordingly, it is now

ORDERED:

1. The Complaint ([Doc. 1](#)) is **DISMISSED without prejudice** for lack of subject matter jurisdiction.
2. Plaintiff may file an amended complaint by March 8, 2023. **Failure to do so will cause the Court to close this case without further notice.**

DONE and ORDERED in Fort Myers, Florida on February 22, 2023.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record