

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

ADAM DISARRO,

Plaintiff,

v.

Case No.: 2:23-cv-120-SPC-KCD

EZRICARE, LLC, EZRIRX, LLC,
DELSAM PHARMA LLC, ARU
PHARMA, INC. and
AMAZON.COM, INC.,

Defendants.

ORDER¹

Before the Court is Plaintiff Adam Disarro's Complaint. (Doc. 1). This is a products liability case 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, Disarro has not adequately alleged diversity of citizenship. Disarro provides insufficient information about the citizenship of Defendants EzriCare, LLC; EzRirx, LLC; and Delsam Pharma 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.

These three Defendants are identified as limited liability companies. (Doc. 1 at 4-6). 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”). Disarro must list the citizenship of all members of these limited liability companies, not their principal places of business. *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”). Each member of the Defendant LLCs 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).

Because Disarro alleges nothing about how many members the LLC Defendants have and where all members are domiciled, Disarro 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 10, 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 24, 2023.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record