

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

METROWEST BUILDING LLC,

Plaintiff,

v.

Case No. 6:23-cv-2008-JA-RMN

NATIONWIDE GENERAL  
INSURANCE COMPANY,

Defendant.

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ORDER

Upon review of the Amended Notice of Removal (Doc. 7) filed by Defendant, Nationwide General Insurance Company, the Court concludes that Defendant has not met its burden of establishing that this Court has subject-matter jurisdiction based on diversity of citizenship.

Defendant alleges in the Amended Notice of Removal that Plaintiff identifies its sole member as Fabian Tutundjian. While the documents submitted with the Amended Notice of Removal identify Tutundjian as a manager of Plaintiff, they do not identify him as a member—let alone the sole member—of Plaintiff. *See, e.g.*, Doc. 7-2 at 2 (Articles of Organization stating that Plaintiff “is to be manager managed . . . by a manager or managers who may be, but are not required to be, members of the Company” and identifying Tutundjian as the initial manager); *id.* at 7 (signature of Tutundjian, who is

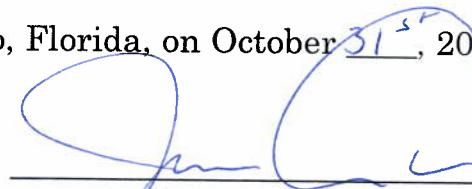
identified as “mgr”). And even if the documents did support Defendant’s assertion that Tutundjian is the sole member of Plaintiff, Defendant’s allegation “[u]pon information and belief” that Tutundjian “is a foreign national and a citizen of Argentina” and that “[a]ccordingly, [Plaintiff] is a citizen of Florida,” (Doc. 7 at 4), is a conjectural non sequitur that is insufficient to establish Plaintiff’s citizenship.

In sum, neither Defendant’s allegations, the attachments to the Amended Notice of Removal, nor anything else in the record is sufficient to establish the citizenship of Plaintiff. Thus, the Court is not satisfied that it has subject-matter jurisdiction over this action and it must be remanded to the state court from which it was removed.

Accordingly, it is **ORDERED** as follows:

1. This action is **REMANDED** to the Circuit Court of the Ninth Judicial Circuit in and for Orange County, Florida, Case No. 2023-CA-014715-O.
2. The Clerk is directed to close this case.

**DONE and ORDERED** in Orlando, Florida, on October 31<sup>st</sup>, 2023.

  
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JOHN ANTOON II  
United States District Judge

Copies furnished to:  
Counsel of Record  
Unrepresented Parties