

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

**KINDA ZAIDAN and JAWA A.
MOHAMAD,**

Plaintiffs,

v.

Case No: 6:23-cv-2234-EJK

**ALEXANDER BENJAMIN
JOHNSON,**

Defendant.

ORDER

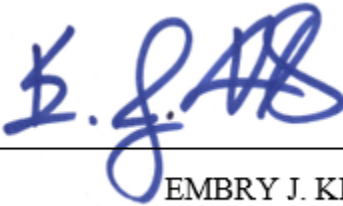
This cause comes before the Court on Plaintiffs' Motion to Remand/Opposition to Defendants' Petition for Removal (the "Motion"), filed January 10, 2024. (Doc. 17.) On February 6, 2024, Defendant filed an untimely Response in opposition to the Motion. (Doc. 25). The Motion is ripe for review.

The Local Rules state that "[a] party may respond to a motion within fourteen days after service of the motion," unless the motion is a motion to dismiss, for judgment on the pleadings, summary judgment, to exclude or limit expert testimony, to certify a class, for a new trial, or to amend a judgment. Local Rule 3.01(c). Local Rule 3.01(c) further states: "If a party fails to timely respond, the motion is subject to treatment as unopposed." *Id.* Therefore, since Defendant's Response to the Motion was untimely, and Defendant did not seek leave to file a response out of time, the Court will treat the Motion as unopposed.

Upon review of the Motion and the pre-suit demand letter included in the Notice of Removal (Doc. 1), and without timely opposition from Defendant, the undersigned finds that Defendant has not established that the amount-in-controversy exceeds \$75,000. *See Lamb v. State Farm Fire Mut. Auto. Ins. Co.*, Case No. 3:10-cv-615-J-32JRK, 2010 U.S. Dist. LEXIS 143298, at *5 (M.D. Fla. Nov. 5, 2010) (“Settlement offers do not automatically establish the amount in controversy for purposes of diversity jurisdiction.”). Therefore, Defendant has not met the burden to establish that this Court has jurisdiction over the dispute.

Accordingly, it is **ORDERED** that Plaintiffs’ Motion to Remand (Doc. 17) is **GRANTED**. This case is **REMANDED** to the Circuit Court of the Ninth Judicial Circuit in and for Orange County, Florida, Case No. 2023-CA-004018-O. The Clerk is **DIRECTED** to terminate any pending deadlines and close this case.

DONE and **ORDERED** in Orlando, Florida on July 8, 2024.



EMBRY J. KIDD
UNITED STATES MAGISTRATE JUDGE