

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

NEXT INSURANCE US COMPANY,

Plaintiff,

v.

CASE NO. 3:24-cv-66-WWB-SJH

APOGEE INTEGRATIONS, LLC, et al.,

Defendants.

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ORDER

Defendant Dariush Ashrafi's ("Ashrafi") Disclosure Statement Pursuant to Federal Rule of Civil Procedure 7.1 and Local Rule 3.03 ("Disclosure Statement"), Doc. 31, fails to provide the information required by Rule 7.1 of the Federal Rules of Civil Procedure and Local Rule 3.03.

Question 2 of the Court's disclosure statement form asks if jurisdiction is based on 28 U.S.C. § 1332(a) and if so, requires the filer to identify the name and citizenship of each person or entity whose citizenship is attributed to the filer. Doc. 31 at 2. In the Disclosure Statement, Ashrafi responded to Question 2 affirmatively and stated "Dariush Ashrafi is a Florida citizen." *Id.* at 2. However, in this action, Ashrafi is acting as the personal representative of the estate of Debra Ashrafi. *See id.* at 1. "Where an estate is a party, the citizenship that counts for diversity purposes is that of the decedent, and she is deemed to be a citizen of the state in which she was domiciled at the time of her death." *King v. Cessna Aircraft Co.*, 505 F.3d 1160, 1170 (11th Cir. 2007).

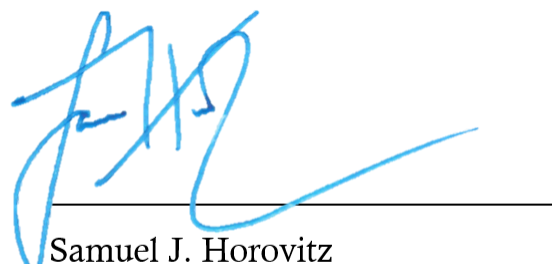
As the personal representative for the estate of Debra Ashrafi, Ashrafi was required to provide the citizenship of Debra Ashrafi rather than his own. Potentially contributing to this error, Question 2(d) asks whether the filer is a legal representative, to which Ashrafi improperly responded to in the negative. Doc. 31 at 2. As noted, however, Ashrafi is acting as the personal representative for the estate of Debra Ashrafi. The Court will therefore strike Ashrafi's Disclosure Statement and direct him to file a new disclosure statement properly identifying his status as a legal representative and the citizenship of Debra Ashrafi at the time of her death.

Additionally, Defendants Lawrance Lee Burkett, Jr. ("Burkett") and Shana Sciortino ("Sciortino") have failed to file a disclosure statement as required by Local Rule 3.03. The Court will therefore direct Burkett and Sciortino to each file a disclosure statement using the standard form found on the Court's website.

Accordingly, it is **ORDERED**:

1. Defendant Ashrafi's Disclosure Statement (Doc. 31) is **stricken**.
2. On or before **October 17, 2024**, Defendants Ashrafi, Burkett, and Sciortino shall each file a proper disclosure statement.

DONE AND ORDERED in Jacksonville, Florida, on October 7, 2024.



Samuel J. Horovitz
United States Magistrate Judge

Copies to:

Counsel of Record