

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

PRIME INSURANCE COMPANY,

Plaintiff,

v.

Case No.: 2:24-cv-421-SPC-KCD

MEDICAB TRANSPORTATION,  
LLC, JASON RHODES, DALE  
JOHNSON and ESTATE OF  
MARGARET ST. AUBIN,

Defendants.

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**OPINION AND ORDER**

This matter comes before the Court after sua sponte review of the Complaint (Doc. 1). The Court is “obligated to inquire into subject matter jurisdiction sua sponte whenever it may be lacking.” *Univ. of S. Ala. v. Am. Tobacco Co.*, 168 F.3d 405, 410 (11th Cir. 1999). Because Plaintiff’s allegations of diversity jurisdiction are inadequate, the Court dismisses the complaint without prejudice.

Plaintiff invokes the Court’s diversity jurisdiction. (Doc. 1 ¶ 1). Federal courts have diversity jurisdiction over civil actions where there is complete diversity of citizenship between the parties and the amount in controversy exceeds \$75,000, exclusive of interest and costs. *See* 28 U.S.C. § 1332(a).

Plaintiff's complaint struggles with the citizenship of the two business entity parties—Prime Insurance Company and Medicab Transportation.

Plaintiff alleges that Prime Insurance Company is a “foreign corporation under the laws of the State of Utah.” (Doc. 1 ¶ 2). But this allegation gives the Court only half of the information needed to determine Prime's citizenship. “Corporations are ‘citizens’ for diversity purposes wherever they are incorporated and have their principal place of business.” *Molinos Valle Del Cibao, C. por A. v. Lama*, 633 F.3d 1330, 1346 (11th Cir. 2011) (citing 28 U.S.C. § 1332(c)(1)). So Plaintiff must allege Prime's principal place of business.

Plaintiff alleges that Medicab Transportation is a “Florida corporation with its principal place of business in Lee County, Florida.” (Doc. 1 ¶ 3). Considered alone, this allegation appears sufficient. But the complaint caption names “MEDICAB TRANSPORTATION, LLC.” (Doc. 1). Plaintiff must straighten out whether Medicab is a corporation or an LLC. This is important because the test for LLC citizenship differs from the one for corporations. An LLC “is a citizen of any state of which a member of the company is a citizen.” *Rolling Greens MHP, L.P. v. Comcast SCH Holdings L.L.C.*, 374 F.3d 1020, 1022 (11th Cir. 2004).


Accordingly, it is now

**ORDERED:**

1. The Complaint (Doc. 1) is **DISMISSED without prejudice**.

2. On or before May 17, 2024, Plaintiff must file an amended complaint consistent with this order. **Failure to comply could result in dismissal without further notice.**

**DONE and ORDERED** in Fort Myers, Florida on May 10, 2024.

  
**SHERI POLSTER CHAPPELL**  
**UNITED STATES DISTRICT JUDGE**

Copies: All Parties of Record