

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

MORE AUTOMOTIVE
PRODUCTS, INC.,

Plaintiff,

v.

Case No.: 2:24-cv-457-SPC-NPM

DOLLAR RENT A CAR, INC.,

Defendant.

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ORDER

Before the Court is Plaintiff More Automotive Products, Inc.'s Complaint. (Doc. 1). This is a breach of contract action.

Federal courts are courts of limited jurisdiction and have “an independent obligation to determine whether subject-matter jurisdiction exists, even in the absence of a challenge from any party.” *Arbaugh v. Y.H. Corp.*, 546 U.S. 500, 514 (2006) (citing *Ruhrgas AG v. Marathon Oil Co.*, 526 U.S. 574, 583 (1999)).

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). Here, the Court has concerns about diversity.

Plaintiff gave the Court the following information in support of the amount in controversy: “As a result of [Defendant’s] bad faith actions, as detailed herein, [Plaintiff] cannot precisely calculate its damages. However, [Plaintiff] estimates that such damages total an amount greater than seventy-five thousand dollars (\$75,000).” (Doc. 1 at 2).

“[T]he existence of jurisdiction should not be divined by looking at the stars.” *Lowery v. Ala. Power Co.*, 483 F.3d 1184, 1215 (11th Cir. 2007). Defendant’s conclusory allegation that it cannot “precisely” calculate its damages but nevertheless “estimates” such damages are greater than \$75,000 is insufficient. The Court simply does not have enough information supporting that it has jurisdiction over this matter.

The Court thus dismisses without prejudice the Complaint. Without subject matter jurisdiction and an operative complaint, the Court cannot decide Plaintiff’s Motion for Temporary and Preliminary Injunctive Relief (Doc. 4) and Motion to Expedite Injunction Hearing (Doc. 5).

Accordingly, it is now

ORDERED:

1. Plaintiff More Automotive Products, Inc.’s Complaint (Doc. 1) is **DISMISSED without prejudice** for lack of subject matter jurisdiction.

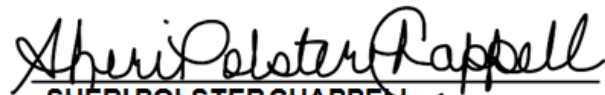
2. Plaintiff may file an amended complaint on or before May 31, 2024.

Failure to do so will cause the Court to close this case without further notice.

3. Plaintiff's Motion for Temporary and Preliminary Injunctive Relief (Doc. 4) is **DENIED without prejudice.**

4. Plaintiff's Motion to Expedite Injunction Hearing (Doc. 5) is **DENIED without prejudice.**

DONE and ORDERED in Fort Myers, Florida on May 17, 2024.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record