

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 25-61374-CIV-SINGHAL

HERON ENTERPRISES, LLC,

Plaintiff,

v.

STARBOARD YACHT GROUP LLC;
and CHARLES J. STRATMANN,

Defendants.

_____ /

ORDER

THIS CAUSE has come before the Court upon a *sua sponte* review of the record.

The Complaint alleges diversity jurisdiction pursuant to 28 U.S.C. § 1332(a), which provides:

- (a) The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between--
- (1) citizens of different States;
 - (2) citizens of a State and citizens or subjects of a foreign state, except that the district courts shall not have original jurisdiction under this subsection of an action between citizens of a State and citizens or subjects of a foreign state who are lawfully admitted for permanent residence in the United States and are domiciled in the same State;
 - (3) citizens of different States and in which citizens or subjects of a foreign state are additional parties; and
 - (4) a foreign state, defined in section 1603(a) of this title, as plaintiff and citizens of a State or of different States.

“Federal courts are obligated to inquire into subject-matter jurisdiction *sua sponte* whenever it may be lacking.” *Williams v. Chatman*, 510 F.3d 1290, 1293 (11th Cir. 2007) (internal quotation marks omitted). If jurisdiction is not definitively determined at the trial

court, the case is subject to dismissal or remand by the Eleventh Circuit after judgment is entered. See *Thermoset Corp. v. Building Materials Corp. of America*, 849 F.3d 1313, 1321 (11th Cir. 2017) (remanding case to state court after appellate jurisdictional inquiry found that an indispensable party was not diverse at time of removal). Although the burden of establishing jurisdiction is on the party seeking to invoke it, “when the parties do not do their part, the burden falls on the courts to make sure parties satisfy the requirements of diversity jurisdiction. We must be vigilant in forcing parties to meet the unfortunate demands of diversity jurisdiction in the 21st century.” *Purchasing Power, LLC v. Bluestem Brands, Inc.*, 851 F.3d 1218, 1228 (11th Cir. 2017).

Upon the Court’s review of the Complaint, the requirements of diversity of citizenship are not properly alleged.

Residence is not citizenship. The Complaint alleges, for instance, that Charles J. Stratmann “is and was an individual residing in Broward County, Florida. . .” (DE [1] at ¶ 6). To establish the citizenship of a natural person, the pleadings must allege the person’s citizenship or domicile; allegations of residence are insufficient. *Travaglio v. Am. Express Co.*, 735 F.3d 1266, 1268-69 (11th Cir. 2013).

Limited Liability Company. The Complaint alleges that Heron Enterprises and Starboard Yacht Group are both limited liability companies. (DE [1] at ¶¶ 4-5). But the citizenship of a limited liability company includes the citizenship of each member. See *Rolling Greens MHP, L.P. v. Comcast SCH Holdings L.L.C.*, 374 F.3d 1020, 1022 (11th Cir. 2004). Diversity jurisdiction is not properly alleged, because the citizenship of Heron and Starboard Yacht Group’s members is not properly set forth and clarified.

Plaintiff may remedy the deficient jurisdiction allegations by filing an amended complaint. See *Grange Ins. Co. v. Martin*, ___ F.4th ___, Case No. 24-13463 (11th Cir. Feb. 19, 2025) (unsworn stipulations or statements of citizenship insufficient to cure deficient jurisdictional allegations). Accordingly, it is

ORDERED AND ADJUDGED that Plaintiff's Complaint (DE [1]) is **DISMISSED WITHOUT PREJUDICE**. Plaintiff may file an Amended Complaint with proper jurisdiction allegations within **14 days of the date of this Order**.

DONE AND ORDERED in Chambers, Fort Lauderdale, Florida, this 9th day of July 2025.



RAAG SINGHAL
UNITED STATES DISTRICT JUDGE

Copies furnished counsel via CM/ECF