

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF  
FLORIDA, ORLANDO DIVISION

**Rosetta J. Walker v. Fidelity Insurance Agency, Inc., The Guardian  
Insurance & Annuity Company, Inc. and Aaron Sanderson**

Walker · No. 6:25-cv-1819-PGB-DCI · Decided November 21, 2025

SUMMARY

The United States District Court for the Middle District of Florida denied Plaintiff Rosetta J. Walker’s motion to remand an insurance-related action removed from state court. The court held that Defendant Aaron Sanderson was domiciled in Utah, not Florida, and that complete diversity therefore existed despite his nonresident Florida insurance license.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                       |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Middle District of Florida, Orlando Division                                                                                                                                                                                                     |
| WRITING FOR THE COURT | Paul G. Byron                                                                                                                                                                                                                                                                         |
| JURISDICTION          | United States District Court for the Middle District of Florida, Orlando Division                                                                                                                                                                                                     |
| DECIDED               | November 21, 2025                                                                                                                                                                                                                                                                     |
| DOCKET                | 6:25-cv-1819-PGB-DCI                                                                                                                                                                                                                                                                  |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                 |
| PROCEDURAL POSTURE    | Plaintiff moved to remand a removed state-court action, arguing that complete diversity was lacking because defendant Aaron Sanderson was allegedly a Florida citizen. The federal district court denied the motion.                                                                  |
| STANDARD OF REVIEW    | The removing party bears the burden of establishing federal subject matter jurisdiction by a preponderance of the evidence. Subject matter jurisdiction is assessed at the time of removal, and removal requirements are strictly construed, with doubts resolved in favor of remand. |
| PRECEDENTIAL VALUE    | Unknown; district court order with no reporter citation or stated precedential designation                                                                                                                                                                                            |
|                       |                                                                                                                                                                                                                                                                                       |

## PARTIES

Rosetta J. Walker v. Fidelity Insurance Agency, Inc., The Guardian Insurance & Annuity Company, Inc., Aaron Sanderson

## TOPICS

subject matter jurisdiction

civil procedure

insurance

## PRACTICE AREAS

civil procedure

insurance

contracts

torts

## QUESTIONS PRESENTED

1. Whether the court had diversity subject matter jurisdiction when Walker and Sanderson allegedly had Florida connections.
2. Whether Sanderson was domiciled in Utah rather than Florida for purposes of complete diversity.
3. Whether post-removal evidence clarifying Sanderson's domicile could be considered in deciding the motion to remand.

## HOLDINGS

1. Sanderson was a citizen of Utah, not Florida, because the totality of the circumstances—including his Utah lease, banking, employment, taxes, voter registration, driver's license, and stated intent to remain indefinitely—established Utah domicile.
2. Complete diversity existed because Sanderson was a Utah citizen, while Walker was a Florida citizen; therefore, the court had diversity jurisdiction and remand was unwarranted.
3. The court could consider Sanderson's post-removal declaration because it clarified a citizenship circumstance that existed when the case was removed.

## KEY QUOTATIONS

*“Because removal from a state court constitutes an infringement upon state sovereignty, the removal requirements must be strictly construed, and “all doubts about jurisdiction should be resolved in favor of remand to state court.””* (Standard of Review)

*“Citizenship is determined by two elements: the individual’s residency in a state and the individual’s intent to remain in that state.”* (Discussion)

## FACTUAL BACKGROUND

Walker alleged that she maintained two annuity accounts totaling approximately \$250,000 and that Sanderson, acting for Fidelity and Guardian, solicited her in 2023 to transfer \$115,000 into a single-premium immediate annuity. She alleged that the transfer restricted access to her principal, caused adverse tax consequences, and reduced her heir's inheritance. Walker and Sanderson were both alleged to have Florida connections, but Sanderson submitted declarations showing Utah domicile indicators, including a Utah residential lease, banking, employment, taxes, voter registration, driver's license, and intent to remain indefinitely.

## PROCEDURAL HISTORY

Walker commenced the action in Florida state court on August 15, 2025, and filed an amended complaint on September 19, 2025. Defendants removed the action to the Middle District of Florida that same day based on diversity jurisdiction. After considering declarations concerning Sanderson's domicile and insurance licenses, the court denied Walker's motion to remand.

## DISPOSITION

other

## CASES CITED

- McCormick v. Aderholt, 293 F.3d 1254, 1257 (11th Cir. 2002)
- Sierminski v. Transouth Financial Corp., 216 F.3d 945, 949 (11th Cir. 2000)
- University of South Alabama v. American Tobacco Co., 168 F.3d 405, 411 (11th Cir. 1999)
- Owen Equipment & Erection Co. v. Kroger, 437 U.S. 365, 373 (1978)
- Smith v. Marcus & Millichap, Inc., 991 F.3d 1145, 1149 (11th Cir. 2021)
- Travaglio v. American Express Co., 735 F.3d 1266, 1269 (11th Cir. 2013)
- Bal Harbour Shops, LLC v. Saks Fifth Avenue, LLC, 645 F. Supp. 3d 1321, 1327 (S.D. Fla. 2022)
- Williams v. Best Buy Co., 269 F.3d 1316, 1318 (11th Cir. 2001)