

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
FLORIDA

Watson Brickell Development, LLC v. ACE American Insurance
Company, et al.

Watson Brickell Development · No. 25-cv-25053-GAYLES · Decided December 30, 2025

SUMMARY

The United States District Court for the Southern District of Florida granted in part Plaintiff’s motion to remand an insurance-related action because the parties were not completely diverse under 28 U.S.C. § 1332. The court denied the request for attorney’s fees and costs, finding that Defendants had an objectively reasonable basis for removal at the time of removal, and remanded the matter to state court.

CASE DETAILS

COURT	United States District Court for the Southern District of Florida
WRITING FOR THE COURT	Darrin P. Gayles
JURISDICTION	United States District Court for the Southern District of Florida
DECIDED	December 30, 2025
DOCKET	25-cv-25053-GAYLES
DISPOSITION	remanded
PROCEDURAL POSTURE	Plaintiff moved to remand a removed diversity action to Florida state court and requested attorney's fees and costs under 28 U.S.C. § 1447(c). Defendants opposed remand, requested jurisdictional discovery, and argued that removal was supported by the information available when they removed the case.
STANDARD OF REVIEW	The removing parties bear the burden of establishing federal jurisdiction, and doubts concerning jurisdiction and removal are resolved in favor of remand.
PRECEDENTIAL VALUE	nonprecedential district court order
PARTIES	Watson Brickell Development, LLC v. ACE American Insurance Company, Starr Surplus Lines Insurance Company, Allianz Global Risks US Insurance Company

TOPICS

subject matter jurisdiction

civil procedure

insurance

commercial litigation

PRACTICE AREAS

civil procedure

insurance

commercial litigation

real estate

QUESTIONS PRESENTED

1. Whether the action should be remanded because Plaintiff and Defendants were not completely diverse for purposes of 28 U.S.C. § 1332.
2. Whether Plaintiff was entitled to attorney's fees and costs under 28 U.S.C. § 1447(c) after remand.
3. Whether Defendants were entitled to jurisdictional discovery concerning Plaintiff's citizenship before the court ruled on remand.

HOLDINGS

1. The court lacked diversity subject matter jurisdiction because Plaintiff's members included citizens of Pennsylvania, New York, and Illinois, the same states of citizenship as the defendants. The action therefore had to be remanded under 28 U.S.C. § 1447(c).
2. Plaintiff was not entitled to attorney's fees and costs because Defendants had an objectively reasonable basis for removal at the time of removal.
3. Defendants were not entitled to jurisdictional discovery before remand.

KEY QUOTATIONS

"[A]ll doubts about jurisdiction should be resolved in favor of remand to state court." (Section II)

"Because Plaintiff and Defendants are not completely diverse, the Motion shall be granted." (Section III)

FACTUAL BACKGROUND

Watson Brickell Development, LLC filed an action in Florida state court seeking damages exceeding \$750,000 against ACE American Insurance Company, Starr Surplus Lines Insurance Company, and Allianz Global Risks US Insurance Company. Defendants removed on the basis of diversity jurisdiction, asserting that Plaintiff's members were citizens of Delaware, Florida, Japan, Singapore, and England, while the defendants were citizens of Pennsylvania, New York, and Illinois. The record and Plaintiff's corporate disclosure statement showed that Plaintiff had members who were citizens of Pennsylvania, New York, and Illinois, defeating complete diversity.

PROCEDURAL HISTORY

Plaintiff filed the action in the Circuit Court for the Eleventh Judicial Circuit in and for Miami-Dade County, Florida. Defendants removed the action to the Southern District of Florida based on diversity jurisdiction. The district court determined that Plaintiff's limited liability company had members who were citizens of Pennsylvania, New York, and Illinois, matching the citizenship of the defendants, and remanded the case. The court denied attorney's fees and costs and denied jurisdictional discovery as moot or unwarranted.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The action was remanded to the Circuit Court for the Eleventh Judicial Circuit in and for Miami-Dade County, Florida. The federal action was closed, and pending motions were denied as moot.

CASES CITED

- McGee v. Sentinel Offender Services, LLC, 719 F.3d 1236, 1241 (11th Cir. 2013)
- University of South Alabama v. American Tobacco Co., 168 F.3d 405, 411 (11th Cir. 1999)
- Burns v. Windsor Insurance Co., 31 F.3d 1092, 1095 (11th Cir. 1994)
- Rolling Greens MHP, L.P. v. Comcast SCH Holdings L.L.C., 374 F.3d 1020, 1022 (11th Cir. 2004)
- Martin v. Franklin Capital Corp., 546 U.S. 132, 141 (2005)
- Mittenenthal v. Florida Panthers Hockey Club, Ltd., 472 F. Supp. 3d 1211, 1225-1226 (S.D. Fla. 2020)
- Lowery v. Alabama Power Co., 483 F.3d 1184, 1217 (11th Cir. 2007)

OPINION

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA Case No. 25-cv-25053-GAYLES WATSON BRICKELL DEVELOPMENT, LLC, Plaintiff, v. ACE AMERICAN INSURANCE COMPANY, et al., Defendants. _____/
ORDER THIS CAUSE comes before the Court on Plaintiff's Motion to Remand and for an Award of Fees and Expenses (the "Motion"). [ECF No. 11].

The Court has reviewed the Motion and the record and is otherwise fully advised. As set forth below, the Motion is granted in part. I. BACKGROUND On October 1, 2025, Plaintiff Watson Brickell Development, LLC ("Plaintiff") filed this action against Defendants ACE American Insurance Company ("ACE"), Starr Surplus Lines Insurance Company ("Starr"), and Allianz Global Risks US Insurance Company ("Allianz") (collectively "Defendants") in the Circuit Court for the Eleventh Judicial Circuit in and for Miami- Dade County, Florida.

[ECF No. 1-1]. In the Complaint, Plaintiff alleged that (1) it is a Delaware limited liability company; (2) Defendants are Pennsylvania, New York, and Illinois corporations, and (3) it seeks damages in excess of \$750,000. Id. After service, Defendants removed the action to this Court based on diversity jurisdiction. [ECF No. 1].

In the Notice of Removal, Defendants alleged that Plaintiff's members are citizens of Delaware, Florida, Japan, Singapore, and England and that ACE is a citizen of Pennsylvania, Starr is a citizen of New York, and Allianz is a citizen of Illinois. Based on these unsupported assertions,

Defendants claimed that the parties are completely diverse and that the amount in controversy exceeds \$75,000 such that this Court has diversity jurisdiction.

Id. Plaintiff then moved to remand arguing that the parties are not completely diverse. [ECF No. 11]. In particular, Plaintiff alleged that following removal, it notified Defendants that at least one of its members is citizen of Pennsylvania and that, therefore, the parties are not completely diverse.

In support, Plaintiff attached email correspondence between Plaintiff's and Defendants' counsel regarding Plaintiff's citizenship. In response to the Motion, Defendants argued that prior to removing the action, they reviewed SEC filings which did not identify any members in Plaintiff's corporate chain who were citizens of Pennsylvania. [ECF No. 14].

In addition, Defendants requested jurisdictional discovery. [ECF No. 14]. Id. In its reply, Plaintiff opposed any jurisdictional discovery and attached the Declaration of Matthew Tarasoff, the Senior Vice President of one of Plaintiff's members who is familiar with Plaintiff's corporate chain. Mr. Tarasoff attests that one of Plaintiff's members is Fayerweather Fund Matterhorn, L.P. ("Fayerweather") and that one of Fayerweather's partners is Joseph Fisher ("Mr.

Fisher"), a citizen of Pennsylvania. [ECF No. 18-1].¹ On December 22, 2025, pursuant to the Court's Order requiring Plaintiff to file its corporate disclosure statement, Plaintiff filed, under seal, a detailed listing of its organizational structure (the "Disclosure Statement"). [ECF No. 31]. While Plaintiff's corporate structure is complex and its members are vast, the Disclosure Statement clearly demonstrates that Plaintiff has members who are citizens of Pennsylvania, New York, and Illinois.

1 Mr. Tarasoff also states that Mr. Fisher is trustee of the Jansjoerg Wyss 2014 Irrevocable Trust (the "Trust") and that the Trust is a part owner of Fayerweather. II. APPLICABLE LAW The procedure for a motion to remand is governed by 28 U.S.C. § 1447(c), which mandates that "[i]f at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded." 28 U.S.C. § 1447(c).

The burden of establishing federal jurisdiction falls on the party attempting to invoke the jurisdiction of the federal court. See *McGee v. Sentinel Offender Services, LLC*, 719 F.3d 1236, 1241 (11th Cir. 2013). "[A]ll doubts about jurisdiction should be resolved in favor of remand to state court." *Univ. of So. Ala. v. American Tobacco Co.*, 168 F.3d 405, 411 (11th Cir.

1999). "Defendant's right to remove and plaintiff's right to choose his forum are not on equal footing; for example, unlike the rules applied when plaintiff has filed suit in federal court with a claim that, on its face, satisfies the jurisdictional amount, removal statutes are construed narrowly; where plaintiff and defendant clash about jurisdiction, uncertainties are resolved in favor of remand." *Burns v. Windsor Ins.*

Co., 31 F.3d 1092, 1095 (11th Cir. 1994). III. DISCUSSION The Court has diversity jurisdiction when the amount in controversy exceeds \$75,000 and there is complete diversity of citizenship between the plaintiffs and the defendants. 28 U.S.C. § 1332(a).

Here, Plaintiff is a limited liability company. “[A] limited liability company 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).

Therefore, for the Court to have diversity jurisdiction, all of Plaintiff’s members must be diverse from Defendants. Here, the record clearly reflects that Plaintiff has members who are citizens of Pennsylvania, New York, and Illinois.

Moreover, it is undisputed that ACE is a citizen of Pennsylvania, Starr is a citizen of New York, and Allianz is a citizen of Illinois. Because Plaintiff and Defendants are not completely diverse, the Motion shall be granted.” The Court has also considered whether Plaintiff is entitled to attorney’s fees and costs pursuant to 28 U.S.C. § 1447(c). “[C]ourts may award attorney’s fees under § 1447(c) only where the removing party lacked an objectively reasonable basis for seeking removal.” *Martin v. Franklin Capital Corp.*, 546 U.S. 132, 141 (2005).

While the record now reflects that the parties are not completely diverse, at the time of removal, Plaintiff’s Complaint gave Defendants an objectively reasonable basis to remove the action based on diversity of citizenship.

Therefore, Plaintiff’s request for attorney’s fees and costs is denied.? IV. CONCLUSION Accordingly, it is ORDERED AND ADJUDGED as follows: 1. Plaintiffs Motion to Remand and for an Award of Fees and Expenses, [ECF No. 11], is GRANTED in part. This matter is remanded to the Eleventh Judicial Circuit in and for Miami-Dade County, Florida. 2. This action is CLOSED, and all pending motions are DENIED as MOOT.

DONE AND ORDERED in Chambers at Miami, Florida, this 30th day of December, 2025. DARRIN P. GAYLES UNITED STATES DISTRICT JUDGE 2 The Court denies Defendant’s request for jurisdictional discovery. “[J]urisdictional discovery should be conducted before removal—not after.” *Mittenthal v. Florida Panthers Hockey Club, Ltd.*, 472 F. Supp. 3d 1211, 1225 (S.D. Fla. 2020).

Moreover, “[s]uch fishing expeditions would clog the federal judicial machinery, frustrating the limited nature of federal jurisdiction by encouraging defendants to remove, at best, prematurely, and at worst, in cases in which they will never be able to establish jurisdiction.” *Mittenthal*, 472 F. Supp. 3d at 1226 (quoting *Lowery v. Ala. Power Co.*, 483 F.3d 1184, 1217 (11th Cir.

2007)). 3 The Court does not find that sanctions under Federal Rule of Civil Procedure 11 are warranted.

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