

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
FLORIDA, FORT MYERS DIVISION

Craig Miller v. Allstate Fire and Casualty Insurance Company

Miller v. Allstate · No. 2:25-cv-921-NPM · Decided December 10, 2025

SUMMARY

The United States District Court for the Middle District of Florida granted Craig Miller’s motion to remand an underinsured motorist benefits action to Florida state court. The court held that Allstate failed to establish by a preponderance of the evidence that the amount in controversy exceeded \$75,000 because the claimed future medical expenses and potential spine surgery were too speculative.

CASE DETAILS

COURT	United States District Court for the Middle District of Florida, Fort Myers Division
WRITING FOR THE COURT	Nicholas P. Mize
JURISDICTION	United States District Court for the Middle District of Florida
DECIDED	December 10, 2025
DOCKET	2:25-cv-921-NPM
DISPOSITION	remanded
PROCEDURAL POSTURE	Plaintiff moved to remand an action for underinsured motorist benefits after defendant removed the case from Florida state court on diversity-jurisdiction grounds.
STANDARD OF REVIEW	The removing defendant bears the burden of establishing federal jurisdiction. When the complaint does not specify a particular damages amount, the defendant must prove by a preponderance of the evidence that the amount in controversy exceeds \$75,000.
PRECEDENTIAL VALUE	Unpublished federal district court order; precedential status is unknown.
PARTIES	Allstate Fire and Casualty Insurance Company v. Craig Miller

TOPICS

- subject matter jurisdiction
- insurance
- civil procedure
- damages

PRACTICE AREAS

civil procedure

insurance

federal jurisdiction

QUESTIONS PRESENTED

1. Whether Allstate established by a preponderance of the evidence that the amount in controversy exceeded \$75,000 for purposes of diversity jurisdiction.
2. Whether Miller's presuit settlement demand and references to possible future medical treatment, including spine surgery, sufficiently demonstrated that the jurisdictional amount was satisfied at the time of removal.

HOLDINGS

1. Allstate failed to establish by a preponderance of the evidence that the amount in controversy exceeded \$75,000.
2. Miller's \$100,000 presuit demand did not, by itself, establish that the amount in controversy exceeded \$75,000 because the demand's references to future medical expenses and possible spine surgery were speculative.

FACTUAL BACKGROUND

In November 2023, Craig Miller was injured in a motor vehicle accident involving an underinsured motorist. Miller's presuit demand referenced \$58,542.77 in past medical expenses and possible future treatment, including cervical spine surgery estimated at \$50,000 to \$125,000. Allstate offered \$9,000 before removing the action, and the court found that the alleged future medical expenses were unquantified and speculative.

PROCEDURAL HISTORY

Miller filed the action in Florida state court on September 17, 2025, seeking underinsured motorist benefits and alleging damages in excess of \$50,000. Allstate timely removed the case based on diversity jurisdiction. The district court granted Miller's motion to remand because Allstate failed to prove by a preponderance of the evidence that the amount in controversy exceeded \$75,000.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The clerk was directed to remand the case to state court by transmitting a certified copy of the order to the clerk of Florida's Twentieth Judicial Circuit in and for Lee County concerning state-court case number 2025-CA-005076, terminate pending motions and scheduled events, and close the federal case.

CASES CITED

- Leonard v. Enter. Rent a Car, 279 F.3d 967, 972 (11th Cir. 2002)

- S. Fla. Wellness, Inc. v. Allstate Ins. Co., 745 F.3d 1312, 1315 (11th Cir. 2014)
- Williams v. Best Buy Co., Inc., 269 F.3d 1316, 1320 (11th Cir. 2001)
- Lamb v. State Farm Fire Mut. Auto. Ins. Co., No. 3:10-cv-615-J-32JRK, 2010 WL 6790539, at *2 (M.D. Fla. Nov. 5, 2010)
- Morris v. Bailo, No. 2:17-cv-224-FTM-99CM, 2017 WL 7355308, at *1 (M.D. Fla. May 1, 2017)
- Spector v. Suzuki Motor of Am., No. 2:17-cv-650-FtM-99CM, 2018 WL 345925, at *3 (M.D. Fla. Jan. 9, 2018)
- Beauliere v. JetBlue Airways Corp., No. 20-CIV-60931-RAR, 2020 WL 6375170, at *4 (S.D. Fla. Oct. 29, 2020)
- Johnson-Lang v. Fam. Dollar Stores of Fla., LLC, No. 8:21-cv-902-VMC-CPT, 2021 WL 1625167, at *2 (M.D. Fla. Apr. 27, 2021)
- Pennington v. Covidien LP, No. 19-cv-273-T-33AAS, 2019 WL 479473, at *2 (M.D. Fla. Feb. 7, 2019)
- Dudley v. Eli Lilly & Co., 778 F.3d 909, 912 (11th Cir. 2014)

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