

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
CENTRAL DIVISION AT LEXINGTON

STEVE MARCUM,  
Plaintiff

v.

GMRI, INC.,  
Defendant

)  
)  
)  
)  
)  
)  
)

CIVIL ACTION NO. 5:13-311

**OPINION AND ORDER**

\*\*\*\*\*

This matter is before the Court on the Plaintiff's motion to remand (DE 6). The Plaintiff filed this action in Madison Circuit Court asserting that he was injured while dining in an Olive Garden restaurant owned by the Defendant. The Defendant removed the action to this Court pursuant to 28 U.S.C. § 1332(a) which grants federal courts jurisdiction over actions between citizens of different states where the amount in controversy exceeds \$75,000.

The Plaintiff then moved to remand the matter to state court on the basis that the amount in controversy does not exceed \$75,000. He attaches an affidavit (DE 6-2) in which he stipulates that his damages do not exceed \$75,000. In the Defendant's response, it concedes that the Court does not have jurisdiction of this matter in light of the Plaintiff's stipulation and that this matter should be remanded to Madison Circuit Court.

Accordingly, the Court hereby ORDERS that the Plaintiff's motion to remand (DE 6) is GRANTED and this matter is REMANDED to Madison Circuit Court.

Dated this 10<sup>th</sup> day of December, 2013.



*Karen K. Caldwell*

KAREN K. CALDWELL, CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY