

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
AT LOUISVILLE

CIVIL ACTION NO. 3:10-CV-256-H

STEVEN WILSON

PLAINTIFF

V.

STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY

DEFENDANT

**MEMORANDUM OPINION AND ORDER**

Plaintiff, Steven Wilson, has moved to remand his complaint to Hardin Circuit Court. In support of his motion he has stated that if a judgment in excess of \$74,999 “is issued, Plaintiff stipulates that he will not pursue said judgment.” Defendant has objected to remand on the grounds that it remains exposed to a judgment in excess of the jurisdictional amount.

The Court has dealt with these issues on numerous occasions. A plaintiff may clarify the amount of their demand in an unequivocal manner. *Egan v. Premier Scales & Systems*, 237 F.Supp.2d 774 (W.D. Ky. 2002). Whatever else may be the circumstances, Plaintiff has not unequivocally clarified his demand for damages potentially in excess of \$75,000. *Id.* at 778. Quite the opposite, Plaintiff apparently plans to pursue a judgment in any amount, yet promise not to seek actual collection of it. This stance does not meet this Court’s requirements.

Being otherwise sufficiently advised,

IT IS HEREBY ORDERED that Plaintiff’s motion to remand is DENIED.

cc: Counsel of Record