

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

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|----------------------------|---|------------------|
| LARRY PRESLEY, |) | |
| |) | |
| Plaintiff, |) | |
| |) | CIVIL ACTION NO. |
| v. |) | 2:15cv573-MHT |
| |) | (WO) |
| NATIONWIDE LIFE AND |) | |
| ANNUITY INSURANCE COMPANY, |) | |
| |) | |
| Defendant. |) | |

ORDER

This cause, which was removed from state court to federal court based on diversity-of-citizenship jurisdiction, 28 U.S.C. §§ 1332 & 1441, is now before the court on a motion to remand filed by the plaintiff. The plaintiff contends that the amount in controversy in this lawsuit is not high enough to confer diversity jurisdiction. Additionally, the plaintiff has filed a supplement (doc. no. 11) to the motion to remand that states: "The parties have agreed that if judgment is entered by any court in excess of \$75,000 in this case, Plaintiff's counsel will immediately file a

satisfaction of judgment upon receipt of \$75,000." In light of the plaintiff's on-the-record agreement to accept a maximum of \$75,000 in satisfaction of judgment, the defendant has not shown that the amount in controversy is more than \$75,000, as required for jurisdiction under 28 U.S.C. §§ 1332 and 1441. Therefore, the court lacks subject-matter jurisdiction.

Accordingly, it is the ORDER, JUDGMENT, and DECREE of the court that the plaintiff's motion to remand (doc. no. 6) is granted, and that, pursuant to 28 U.S.C. § 1447(c), this cause is remanded to the Circuit Court of Butler County, Alabama.

It is further ORDERED that all other pending motions are left for disposition by the state court after remand.

The clerk of the court is DIRECTED to take appropriate steps to effect the remand.

DONE, this the 31st day of August, 2015.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE