

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

GREGORY R. MOORE,	)	
	)	
Plaintiff,	)	
	)	Case No. 3:11-cv-742-MEF
vs.	)	(WO—Do not publish)
	)	
CHAD ALLEN HAUCK, et al.,	)	
	)	
Defendants.	)	

**ORDER**

One of the defendants, Norwill, Inc., removed this action from the Circuit Court of Russell County, Alabama, by filing with this Court a notice of removal on September 9, 2011. (Doc. # 1.) Five days later, the plaintiff, Gregory Moore, filed a motion to remand (Doc. # 4), claiming that the amount in controversy did not exceed the \$75,000 jurisdictional threshold found in the diversity statute, 28 U.S.C. § 1332(a). The Court then entered a briefing schedule (Doc. # 6) requiring Norwill to respond to Moore’s remand motion by October 13, 2011. Thirteen days after the deadline passed, Norwill filed its response (Doc. # 7), contending that it properly removed the case. Despite the alleged propriety of the removal, Norwill still declined to oppose the remand motion, primarily because Moore filed an affidavit (Doc. # 4-1) limiting his recoverable damages in state court to \$75,000 or less. The affidavit—and for that matter, this Order—preclude Moore from seeking or recovering more than \$75,000 in state court.

Since Norwill's belated response concedes that a remand to state court is proper, and because Norwill provided no evidence in its notice of removal that the amount in controversy exceeds \$75,000, it is hereby ORDERED that Moore's Motion to Remand (Doc. # 4) is GRANTED and the case is REMANDED to the Circuit Court of Russell County, Alabama. The Clerk is DIRECTED to take appropriate steps to accomplish the remand.

Done this the 15<sup>th</sup> day of November, 2011.

/s/ Mark E. Fuller

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UNITED STATES DISTRICT JUDGE