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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

9 Martha Vasquez,

10 Plaintiff,

11 v.

12 Target Corporation, a Minnesota
13 corporation; Target Stores, Inc. (FN), a
14 Minnesota corporation; John Does and Jane
15 Does 1-10; ABC Corporations 1-10; XYZ
16 Partnerships 1-10,

 Defendants.

No. CV-16-01135-PHX-NVW

ORDER

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18 Defendants Target Corporation and Target Stores, Inc., removed Plaintiff's state
19 court action to this Court, alleging diversity jurisdiction. (Doc. 1 at 1–2.) Although
20 Plaintiff's complaint did not specify the amount of damages claimed, Plaintiff's demand
21 letter to Defendants proposed a \$95,000 settlement. (*Id.* at 2; Doc. 13-1 at 7.)

22 Plaintiff moves to remand, arguing Defendants have not demonstrated the amount
23 in controversy exceeds \$75,000. (Doc. 10.) On Plaintiff's view, "[i]n order for federal
24 court jurisdiction to exist in this case, the Court must determine, as a matter of law, that
25 Plaintiffs [sic] will recover damages in an amount sufficient to reach the jurisdictional
26 requirement of this Court." (*Id.* at 5.)

27 Plaintiff is half-right: Defendants must demonstrate that the amount in controversy
28 exceeds \$75,000. 28 U.S.C. § 1332(a); *Cohn v. Petsmart, Inc.*, 281 F.3d 837, 839 (9th

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Cir. 2002). But the Court need not find that Plaintiff will actually recover that much. The relevant inquiry “is not whether the damages are greater than the requisite amount, but whether a fact finder might legally conclude that they are.” *Kopp v. Kopp*, 280 F.3d 883, 885 (8th Cir. 2002). The jurisdictional threshold is satisfied if the jury reasonably could award more than \$75,000, even if they ultimately award less. *Id.*

Plaintiff’s demand of \$95,000 is relevant evidence of the amount in controversy because it appears to reflect a reasonable estimate of her claim. *Cohn*, 281 F.3d at 840. Plaintiff has made no attempt to disavow her letter or offer contrary evidence. Thus, the demand letter is sufficient to establish the amount in controversy. *Id.*

IT IS THEREFORE ORDERED that Plaintiff’s Motion to Remand (Doc. 10) is denied.

Dated this 25th day of May, 2016.



Neil V. Wake
United States District Judge