

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
EASTERN DIVISION

BERNICE HUTCHINS

PLAINTIFF

v.

Case No. 2:10-cv-116-DPM


FRED'S STORES OF TENNESSEE,  
INC.

DEFENDANT

ORDER

Hutchins has stipulated, *Document No. 13*, that the amount in controversy is less than the jurisdictional threshold. She says, in particular, that she "will not seek and will not ask for damages in excess of \$75,000; nor is the value of the case in excess of \$75,000." *Document No. 13, at 2*. Fred's agrees with this assessment of the discovered facts on damages. *Document No. 14*. The law allows Hutchins to pick her forum by capping her damages. *Bell v. Hershey Company*, 557 F.3d 953, 958 (8th Cir. 2009); *Murphy v. Reebok International, Ltd.*, No. 4:11-cv-214-DPM, 2011 WL 1559234 (E.D. Ark. 22 April 2011). Hutchins has done so. Her motion, *Document No. 13*, is granted and the case is remanded to the Circuit Court of Lee County for want of subject matter jurisdiction.

So Ordered.

  
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D.P. Marshall Jr.  
United States District Judge

6 June 2011