

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

AUG 29 2014

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**JAMES W. MCCORMACK, CLERK
By: *J. W. McCormack* CLERK**ANGELLA SELLERS****PLAINTIFF**


v.

No. 3:14-cv-175-DPM**COCA COLA ENTERPRISES INC.;
COCA COLA INC.; COCA-COLA
REFRESHMENTS USA, INC.; ERIC C.
YATES; and JOHN DOES 2-3****DEFENDANTS****ORDER**

Sellers's motion to remand, *No 10*, is denied without prejudice. The parties are diverse, and Defendants have carried their burden by a preponderance based on a good faith belief in Sellers's statement that she is entitled to damages "in an amount exceeding the minimum amount required for diversity jurisdiction in the United States District Court." *No 2 at 4*. Medical bills may be limited to approximately \$30,000.00, as she pleads; but Sellers also seeks unspecified amounts for lost wages, pain and suffering, mental anguish, permanent impairment, and possible future medical expenses. If Sellers stipulates that she is not seeking, and will not seek, total damages exceeding \$75,000.00, then this Court will lose jurisdiction. *St. Paul*

Mercury Indemnity Co. v. Red Cab Co., 303 U.S. 283, 288-89, 294 (1938); *see also* *Standard Fire Insurance Co. v. Knowles*, 133 S. Ct. 1345, 1350 (2013). If not, the case will stay here. Stipulation due by 19 September 2014, so the forum can be settled soon. No new motion to remand is needed. If Sellers caps her damages by stipulation, then the Court will remand *sua sponte*.

So Ordered.



D.P. Marshall Jr.
United States District Judge

29 August 2014