

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION

DAVID MITCHAM

PLAINTIFF

VS.

CASE NO. 13-CV-1084

STATE FARM FIRE AND
CASUALTY COMPANY

DEFENDANT

ORDER

Before the Court is Plaintiff's Motion to Remand. (ECF No. 12). Defendant has responded to the motion. (ECF No. 15) The Court finds the matter ripe for consideration.

On October 8, 2013, Plaintiff filed this action in the Circuit Court of Union County, Arkansas. On November 5, 2013, Defendant filed a Notice of Removal in this Court based upon diversity jurisdiction under 28 U.S.C. § 1332. (ECF No. 1). Plaintiff has filed a motion to remand, contending that federal jurisdiction is lacking because the \$75,000 amount in controversy requirement of 28 U.S.C. § 1332(a) has not been met. After consulting with Plaintiff's counsel, Defendant has changed its position and agrees that Plaintiff's claim does not exceed \$75,000. Accordingly, Defendant agrees that this matter should be remanded to the Circuit Court of Union County.

Upon consideration, the Court finds that Plaintiff's Motion to Remand should be and hereby is **GRANTED**. This matter is hereby **REMANDED** to the Circuit Court of Union County, Arkansas for a proper adjudication of the issues in this case.

IT IS SO ORDERED, this 13th day of January, 2014.

/s/ Susan O. Hickey
Susan O. Hickey
United States District Judge