

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Honorable Marcia S. Krieger

Civil Action No. 09-cv-01311-MSK-MJW

WILLIAM D. LASH,

Plaintiff,

v.

WFO, INC., a Wyoming Corporation, and
RANDY CARRIER, individually,

Defendants.

ORDER REMANDING CASE

THIS MATTER comes before the Court *sua sponte*.

The Plaintiff commenced this action in the Garfield County District Court. In his Complaint, Plaintiff alleges that he sustained bodily injuries in an oil well accident in Garfield County, Colorado on July 14, 2008, and is entitled to recover damages from the Defendants, including WFO, as a result of the accident.. The Complaint generally alleges that Plaintiff suffered damages as a result of the Defendants' tortious conduct. The Plaintiff did not request any particular monetary relief.

In the Notice of Removal, the Defendants assert that this Court can exercise jurisdiction based upon diversity pursuant to 28 U.S.C. § 1332. The Defendants rely primarily upon the Plaintiff's election in the mandatory Colorado Civil Cover Sheet stating: "This party is seeking a monetary judgment for more than \$100,000 against another party, including any attorney fees, penalties or punitive damages, but excluding interest and costs[.]"

In accordance with the analysis set forth in *Baker v. Sears Holding Corp.*, 557 F. Supp. 2d 1208 (D. Colo. 2007), there has been an insufficient showing of the requisite amount in controversy to establish diversity jurisdiction. Accordingly, the action must be remanded to the State Court. *See* 28 U.S.C. § 1447(c).

IT IS THEREFORE ORDERED that this action is **REMANDED** to the Garfield County District Court.

DATED this 16th day of June, 2009.

BY THE COURT:



Marcia S. Krieger
United States District Judge