

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Christine M. Arguello**

Civil Action No. 09-cv-02246-CMA

REBECCA COLE,

Plaintiff,

v.

APCOMPOWER, INC., a Division of Alston Power,

Defendant.

**ORDER REGARDING ORDER TO SHOW CAUSE
AND MOTION FOR EXTENSION OF TIME**

This matter is before the Court on the Order to Show Cause (Doc. # 5) and Defendant's Motion for Extension of Time to Answer (Doc. # 4). The Order to Show Cause is DISCHARGED and the Motion for Extension of Time is GRANTED.

Regarding the Order to Show Cause, the Court initially concluded that Defendant had failed to prove the facts supporting the amount in controversy by a preponderance of the evidence. Thus, the Court questioned whether Defendant, as the removing party, had carried its burden to establish subject matter jurisdiction. Defendant has answered the Court's questions by providing the affidavit of Mary Ellen Mix. Without getting into the details, Ms. Mix's affidavit reflects that the amount in controversy in this case, exclusive of interests and costs, exceeds the jurisdictional minimum of \$75,000. As such, the Court is satisfied that subject matter jurisdiction is proper and will discharge the Order to Show Cause.

Regarding Defendant's Motion for Extension of Time to Answer, the Court notes that the Motion is unopposed by Plaintiff and reasonable in length. Thus, the Court will grant Defendant an extension of time up to and including October 5, 2009, to answer or otherwise respond to Plaintiff's Complaint.

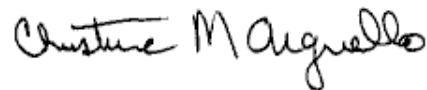
Accordingly, the Order to Show Cause (Doc. # 5) is DISCHARGED; and

Defendant's Motion for Extension of Time to Answer (Doc. # 4) is GRANTED.

Defendant shall have an extension of time to and including October 5, 2009, to answer or otherwise respond to Plaintiff's Complaint.

DATED: October 5 2009

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge