

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

Civil Action No. 10-cv-00645-MSK

DAVID BELL, and
SUZETTE BELL,

Plaintiffs,

v.

ZACHARY D. FRERE,

Defendant.

OPINION AND ORDER REMANDING CASE

THIS MATTER comes before the Court *sua sponte*, upon a Notice of Removal (#1) of a civil action from a District Court of the State of Colorado, for the County of Boulder. This Court has reviewed the Notice of Removal and all documents referred to in it, including the State Court Complaint and Colorado Civil Cover Sheet.

In the Notice of Removal, the Defendant asserts that this Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332. The Defendant generally contends that the requisite amount in controversy exceeds \$75,000 and suggests that the amount in dispute can be inferred from the Colorado Civil Cover Sheet.

The Plaintiffs bring two claims: chiropractic negligence and loss of consortium. Both claims arise from the Defendant's chiropractic treatment of Mr. Bell. Nothing in the State Complaint states the amount of monetary relief sought nor provides factual allegations from which the amount in controversy can be calculated. It simply lists the alleged injuries that Mr.

Bell allegedly suffered—physical injuries, physical and mental pain, inconvenience, emotional distress, impairment of the quality of life, lost wages, and other economic damages. Without more specificity, such allegations are not sufficient to demonstrate that the Plaintiffs seek recovery of at least \$75,000.

Neither does the state court civil cover sheet state sufficient facts to establish the requisite amount in controversy. Consistent with the reasoning in *Baker v. Sears Holding Corp.*, 557 F. Supp. 2d 1208 (D. Colo. 2007) (reference to a civil cover sheet for amount in controversy is insufficient) and *Klein v. State Farm Mut. Auto. Ins. Companies*, D. Colo. Case No. 08-cv-02257-MSK, 2008 WL 4948775 (Nov. 18, 2008) (references to a civil cover sheet and conclusory statements in underlying Complaint are insufficient), the Court finds that the Defendant has not shown specific facts, which if true, would demonstrate that the amount in controversy is at least \$75,000. Accordingly, this Court lacks subject matter jurisdiction based upon 28 U.S.C. § 1332.

IT IS THEREFORE ORDERED that pursuant to 28 U.S.C. § 1447(c) this action is **REMANDED** to the District Court from which it was removed.

Dated this 31st day of March, 2010

BY THE COURT:



Marcia S. Krieger
United States District Judge