

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior District Judge Richard P. Matsch

Civil Action No. 10-cv-02101-RPM

TERESA VIERA,

Plaintiff,

v.

SAFECO INSURANCE COMPANY OF AMERICA,

Defendant.

ORDER DENYING MOTION TO REMAND

On September 29, 2010, the plaintiff filed a motion to remand for lack of subject matter jurisdiction, alleging that the Notice of Removal is improvident in that the amount in controversy is not shown to be in excess of \$75,000. The plaintiff has filed a civil action cover sheet showing that the amount in controversy exceeds \$100,000 and it is clear from the complaint seeking damages that an amount greater than \$75,000 is sought to be recovered. In the absence of an affirmative disavowal of any intent to recover less than \$75,000, the subject matter jurisdiction is present. Accordingly, it is

ORDERED that the motion to remand is denied.

Dated: October 19th, 2010

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior District Judge