

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

Civil Action No. 11-cv-00949-MSK

EDWARD ASH; and  
CITY AND COUNTY OF DENVER,

Plaintiffs,

v.

JOHN CLAYTON LASKEY; and  
THOMAS LASKEY,

Defendants.

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**ORDER REMANDING CASE**

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THIS MATTER comes before the Court *sua sponte*.

The Plaintiffs commenced this action in the Denver District Court. This action arises out of an automobile accident that occurred on February 7, 2010. In their Complaint, the Plaintiffs 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 Plaintiffs' election in the mandatory Colorado Civil Cover Sheet and allegations in the Complaint. Although in some circumstances a complaint can reveal the amount in controversy, this Complaint does not expressly do so. It enumerates injuries suffered by the Plaintiff, but it also states that the Plaintiff is receiving workers' compensation benefits which are not quantified. Without any reference to amounts paid or likely to be paid for injuries that are the subject of this action, whether the damages sought meet the jurisdictional requirement is entirely

speculative.

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 Denver District Court.

DATED this 14<sup>th</sup> day of April, 2011.

**BY THE COURT:**

A handwritten signature in black ink that reads "Marcia S. Krieger". The signature is written in a cursive style with a dot over the 'i' in "Krieger".

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Marcia S. Krieger  
United States District Judge