

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

Civil Action No. 11-cv-02294-MSK

A AND A QUALITY APPLIANCE, INC., d/b/a Appliquence Factory Outlet,

Plaintiff,

v.

GRAY TELEVISION GROUP, INC., d/b/a KKCO-TV,

Defendant.

ORDER REMANDING CASE

THIS MATTER comes before the Court *sua sponte*.

The Plaintiff commenced this action in the Denver District Court. In its Complaint, the Plaintiff did not request any particular monetary relief.

In the Notice of Removal, the Defendant asserts 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[.]" The Complaint does not state the amount claimed by the Plaintiff and there is no allegation that is reasonably understood as quantifying the amount in dispute.

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 7th day of September, 2011.

BY THE COURT:



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

Marcia S. Krieger
United States District Judge