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

Civil Action No. 11-cv-02682-MSK-BNB

CHERYL HANEY,

        Plaintiff,

v.

AMCO INSURANCE COMPANY,

        Defendant.

ORDER REMANDING CASE

THIS MATTER comes before the Court *sua sponte*.

The Plaintiff commenced this action in the Denver District Court. The Defendant has sought removal based upon diversity jurisdiction pursuant to 28 U.S.C.§ 1332. The Court has reviewed the Complaint, the Notice of Removal, and, if referred to, the Colorado Civil Cover Sheet. The Plaintiff, who was injured in an auto accident, seeks to recover against her own auto insurance policy for sums that she was not able to recover from her settlement with the driver who was at fault. The amount in controversy is the difference between her loss and amount she recovered from the at-fault driver, which the Plaintiff claims is now owed to her under the uninsured/underinsured provisions of her own policy . The Complaint quantifies this amount as $25,498.80 in economic damages but does not quantify any other request. The Notice of Removal sets forth only the limits of coverage ($300,000) in Plaintiff's policy. Although such policy limits could set a ceiling of recovery on a breach of contract claim, it does quantify the amount in controversy. The Civil Cover sheet is insufficient to establish the amount in

controversy.

Consistent with the reasoning in *Baker v. Sears Holding Corp.*, 557 F. Supp. 2d 1208 (D. Colo. 2007) and *Klein v. State Farm Mut. Auto. Ins. Companies,* D. Colo. Case No. 08-cv-02257-MSK, 2008 WL 4948775 (Nov. 18, 2008), the Court finds that the Defendant(s) have not shown specific facts, which if true, would demonstrate that the amount in controversy is at least $75,000.

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 18th day of October, 2011.

         BY THE COURT:

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         Marcia S. Krieger
         United States District Judge