

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

Civil Action No. 12-cv-03023-MSK

WINNA VANDER LAAN,

Plaintiff,

v.

WARREN ROBERTS, M.D.,

Defendant.

ORDER REMANDING CASE

THIS MATTER comes before the Court *sua sponte*.

The Plaintiff commenced this action in the Boulder County District Court. In her Complaint, Plaintiff asserts one claim for medical malpractice. In her 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 Defendant relies 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[.]"

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 Boulder
County District Court.

DATED this 28th day of November, 2012.

BY THE COURT:

Marcia S. Krieger

Marcia S. Krieger
United States District Judge