

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

Civil Action No. 13-cv-02488-MSK

WOODGATE COMMONS HOMEOWNERS ASSOCIATION,

Plaintiff,

v.

AMERICAN FAMILY MUTUAL INSURANCE COMPANY,

Defendant.

ORDER REMANDING CASE

THIS MATTER comes before the Court *sua sponte*.

The Plaintiff commenced this action in the Arapahoe County District Court. Plaintiff's Complaint asserts three claims for relief: (1) Insurance Bad Faith; (2) Breach of Contract; and (3) Statutory Bad Faith. 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 Defendant relies primarily upon the Plaintiff's election on 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 Arapahoe County District Court.

Dated this 1st day of October, 2013.

BY THE COURT:



Marcia S. Krieger
Chief United States District Judge