

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

Civil Action No. 14-cv-03333-MSK

KENNETH SCOTT TRACY,

Plaintiff,

v.

GREER LABORATORIES, INC.;  
ANTIGEN LABORATORIES, INC.; and  
PLANET BIOPHARMACEUTICALS, INC.,

Defendants.

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**ORDER REMANDING CASE**

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THIS MATTER comes before the Court *sua sponte*.

The Plaintiff commenced this action in the Routt County District Court. This action arises out of Plaintiff's claims for breach of contract, negligent misrepresentations, and promissory estoppel. In his Complaint, the Plaintiff 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 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 Routt County District Court.

DATED this 8<sup>th</sup> day of January, 2015.

**BY THE COURT:**

A handwritten signature in black ink, appearing to read "Marcia S. Krieger", is centered above a horizontal line.

Marcia S. Krieger  
Chief United States District Judge