

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
CHIEF JUDGE MARCIA S. KRIEGER**

**Civil Action No. 14-cv-03449-MSK**

**LINDA G. ROBINSON,**

**Plaintiff,**

**v.**

**PARKER-HANNIFIN CORPORATION; and  
TYCO INTEGRATED SECURITY LLC,**

**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 El Paso County District Court. The Plaintiff asserts two claims against the Defendants under Colorado state law related to injuries she suffered when a ladder fell on her. The Defendants filed a notice of removal pursuant to 28 U.S.C. § 1332.

When a matter is removed from state to federal court, there is a presumption against the existence of federal jurisdiction. *Merida Delgado v. Gonzales*, 428 F.3d 916, 919 (10th Cir. 2005). Thus, the burden is on the party invoking federal jurisdiction to show by a preponderance of the evidence that the necessary factual basis for the exercise of federal subject-matter jurisdiction is present. *Lindstrom v. United States*, 510 F.3d 1191, 1193 (10th Cir. 2007). The Court may exercise federal subject-matter jurisdiction based on diversity of citizenship where the amount in controversy exceeds \$75,000. 28 U.S.C. § 1332.

Here, the Court finds that the Defendants have failed to carry their burden of showing that the amounts claimed by the Plaintiffs exceed \$75,000. The Plaintiff did not request any particular monetary relief in either the Complaint filed in the state court or the Amended Complaint filed in this Court. Furthermore, it cannot be ascertained from the allegations in the Complaint that the amount in controversy exceeds \$75,000.

In the Notice of Removal, the Defendants contend that the requisite amount in controversy can be inferred because the Plaintiff's Civil Cover Sheet indicated that the amount in controversy exceeds \$100,000. However, the mere fact that the Plaintiff indicated that the value of the case exceeds \$100,000 on the Civil Cover Sheet is, of itself, insufficient to establish the amount in controversy. *See Baker v. Sears Holding Corp.*, 557 F.Supp.2d 1208, 1215 (D. Colo.2007). Because the Defendant has failed to come forward with facts demonstrating that the amount in controversy exceeds \$75,000, the Court lacks subject-matter jurisdiction over this action and the matter is remanded.

**IT IS THEREFORE ORDERED** that pursuant to 28 U.S.C. § 1447(c) this action is **REMANDED** to the El Paso County District Court from which it was removed.

Dated this 30th day of March, 2015.

**BY THE COURT:**



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Marcia S. Krieger  
Chief United States District Judge