

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 15-cv-02651-NYW

ALICE MARIE SHOPE,

Plaintiff,

v.

STATE FARM MUTUAL INSURANCE COMPANY,

Defendant.

ORDER DISCHARGING ORDER TO SHOW CAUSE

Magistrate Judge Nina Y. Wang

This case has been directly assigned to the undersigned Magistrate Judge pursuant to D.C.COLO.LCivR 40.1(c).

Plaintiff commenced this action in a Complaint filed on December 8, 2015. [#1]. In the Complaint, Plaintiff alleged that the court has jurisdiction under 28 U.S.C. § 1332. [*Id.* at 2]. To establish diversity jurisdiction under 28 U.S.C. § 1332, a plaintiff must show that the “matter in controversy exceeds the sum or value of \$75,000” and is between “citizens of different States.” This court issued an Order to Show Cause on December 15, 2015 directing Plaintiff to show cause for failure on to establish that the amount in controversy exceeds \$75,000 to satisfy the diversity jurisdiction requirement of 28 U.S.C. § 1332. [#9]. The court also set a deadline of January 11, 2015 for the parties to complete and file the Consent/Non-Consent Form indicating either unanimous consent of the Parties to proceed before a Magistrate Judge pursuant to 28 U.S.C. § 636(c) or that consent has been declined. [#9].

On January 8, 2016, Plaintiff filed an Amended Complaint [#10] and a Response to the Order to Show Cause [#11]. Plaintiff stated in the Response that she had amended her Complaint to make it clear that the amount in controversy exceeds \$75,000. The court notes that the Amended Complaint states that “Plaintiff’s past economic, future economic, and non-economic damages are in excess of \$325,000 (\$250,000 received from the liability settlement plus the \$75,000 required for Diversity of Citizenship jurisdiction).” [#10 at ¶ 22]. The court reminds counsel that the amount in controversy requirement is not satisfied simply by amending the complaint to recite that the plaintiff is seeking “the \$75,000 required for Diversity of Citizenship jurisdiction.” Instead, the actual amount at issue in the case must exceed \$75,000. Nevertheless, based on the allegations in the Amended Complaint, the Order to Show Cause is DISCHARGED.

Next, the court addresses Plaintiff’s failure to file the Consent/Nonconsent Form by the deadline set in the court’s Order to Show Cause. Orders of the court are not to be disregarded. Should Plaintiff seek extensions of deadlines set by the court in the future, Plaintiff must do so in a motion.

Accordingly, **IT IS ORDERED** that:

- (1) The Order to Show Cause [#9] is hereby **DISCHARGED**;
- (2) A Status Conference is set for **February 10, 2016, at 9:30 a.m.**, in Courtroom C-204, Second Floor, Byron G. Rogers United States Courthouse, 1929 Stout Street, Denver, Colorado 80294. The parties are required to appear in person at this Status Conference to complete the Consent/Nonconsent Form. The Status Conference will be vacated upon the filing of a completed Consent/Nonconsent Form.

DATED: February 5, 2016

BY THE COURT:

s/Nina Y. Wang _____
United States Magistrate Judge