

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

JOHN ALBER,

Plaintiff,

v.

Case No: 6:17-cv-160-Orl-31KRS

**GEICO GENERAL INSURANCE
COMPANY,**

Defendant.

ORDER

This matter comes before the Court without a hearing on the Motion for Reconsideration (Doc. 18) filed by the Plaintiff, John Alber. Although the deadline for a response has passed, the Defendant did not respond to the motion.

Alber seeks reconsideration of this Court's order of March 20, 2017 (Doc. 17), denying his motion to remand this matter back to state court. In concluding that the amount in controversy requirement was satisfied, the Court took into consideration the amount at issue in Alber's bad faith claim. However, as Alber points out, that claim has been abated pending the resolution of his uninsured motorist claim. As such, based on past precedent, the value of the bad faith claim should not have been taken into consideration in assessing the amount in controversy. *See Brown v. Safeco Ins. Co. of Ill.*, No. 6:13-cv-1982-Orl-31GJK, 2014 WL 1478833 (M.D. Fla. Nov. 12, 2008). With the bad faith claim taken out of the equation, the amount in controversy is limited to the value of the uninsured motorist claim, which the Defendant has previously conceded is \$40,000. Accordingly, the amount in controversy requirement is not met, and remand is required.

In consideration of the foregoing, it is hereby

ORDERED that the Motion for Reconsideration is **GRANTED**. And it is further **ORDERED** that this Court's order of March 20, 2017 (Doc. 17) denying the Plaintiff's Motion to Remand (Doc. 8) is **VACATED**. That motion is hereby **GRANTED**, and the Clerk is directed to **REMAND** the case to the Circuit Court of the Eighteenth Judicial Circuit, in and for Brevard County, Florida, and close the file.

DONE and **ORDERED** in Chambers, Orlando, Florida on May 17, 2017.




GREGORY A. PRESNELL
UNITED STATES DISTRICT JUDGE