

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

ALMER HARGRAVE,

Plaintiff,

v.

Case No. 8:08-cv-1966-T-30MAP

GE AVIATION SYSTEMS, LLC,

Defendant.

ORDER

THIS CAUSE comes before the Court upon Plaintiff's Motion to Remand (Dkt. 8), Defendant's Response in opposition to the same (Dkt. 9), Plaintiff's Motion for Leave of Court to Amend Complaint (Dkt. 11), and Defendant's Unopposed Motion for Extension of Time to Respond to Plaintiff's Motion for Summary Judgment (Dkt. 18). Plaintiff originally filed this action in state court for injuries arising out of Defendant's alleged improper disclosure of Plaintiff's medical information. Defendant removed the action to this Court. In its Notice of Removal, Defendant claimed removal was proper under both 28 U.S.C. § 1332 due to diversity of citizenship, and under § 1441 due to the presence of a federal question.

Plaintiff has moved to amend the Complaint to remove all federal claims. Defendant has not objected to such an amendment. In the original Complaint, Plaintiff sought one million dollars (\$1,000,000.00) in damages. Plaintiff's proposed amendment does not specify a damage amount. It is unclear whether the amount in controversy now exceeds \$75,000.00, as required for diversity jurisdiction under 28 U.S.C. § 1332. If the amount in

controversy does not exceed \$75,000.00, this Court would lack jurisdiction over this case and remand would be appropriate.

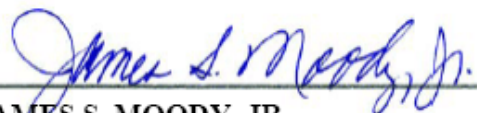
Upon consideration, it is ORDERED AND ADJUDGED that:

1. Plaintiff's Motion for Leave of Court to Amend Complaint (Dkt. 11) is **GRANTED**. Plaintiff shall have eleven days from the date hereof to file an Amended Complaint.

2. The Court will **DEFER RULING** on Plaintiff's Motion to Remand (Dkt. 8) for sixty (60) days. Should Plaintiff stipulate (through answers to interrogatories or otherwise) that the amount in controversy does not exceed \$75,000.00, the Court will remand this action. Otherwise, Plaintiff's Motion to Remand will be denied and this action will continue before this Court. If Defendant has not already addressed the amount in controversy issue by way of interrogatories served on Plaintiff, it may do so at this time.

3. Defendant's Unopposed Motion for Extension of Time to Respond to Plaintiff's Motion for Summary Judgment (Dkt. 18) is **GRANTED**. Defendant shall have thirty days from the date Plaintiff properly responds to Defendant's discovery requests to respond to Plaintiff's Motion for Summary Judgment.

DONE and **ORDERED** in Tampa, Florida on January 27, 2009.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel/Parties of Record

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