

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

JOHN R. MAYE, et al.,

Plaintiffs,

v.

CASE NO: 8:11-cv-467-T-33EAJ

THE IL BRIDGE FUND, LLC, et al.,

Defendants.

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ORDER

This cause comes before the Court pursuant to Defendants' Notice of Removal (Doc. # 1). Defendants base the removal on diversity of citizenship. See 28 U.S.C. §§ 1332 and 1441. While Defendants properly allege that the parties are diverse, Defendants, as to amount in controversy, state in a conclusory fashion that "the matter in controversy exceeds \$75,000.00." Doc. # 1 at ¶ 2. Such a facial allegation is not enough to satisfy removal unless the jurisdictional amount is apparent from the complaint. Having considered the complaint in this action, it fails to meet the demands for establishing amount in controversy. The complaint alleges only that "the amount in controversy exceeds \$15,000.00." The fact that the loan involved was in the amount of \$190,940.00 is not necessarily indicative of the amount in controversy.

In Williams v. Best Buy Company, Inc., 269 F.3d 1316,


1319-20 (11th Cir. 2001), the Eleventh Circuit held that if the requisite jurisdictional amount is not facially apparent from the complaint (as is the case here), the district court should look to the notice of removal and may require the defendant to submit evidence supporting its claim. "A conclusory allegation in the notice of removal that the jurisdictional amount is satisfied, without setting forth the underlying facts supporting such an assertion, is insufficient to meet the defendant's burden." Id. Further, it is the removing defendant's burden to show by a preponderance of the evidence that the amount in controversy exceeds the jurisdictional amount.

Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

Defendants, no later than fourteen days from the date of this Order, are directed to submit evidence in the form contemplated under Fed. R. Civ. P. 56(e) supporting their claim that the amount in controversy as to this matter exceeds \$75,000.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 8th day of March, 2011.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE

Copies:

All Counsel of Record