

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

JORGE N. TORRES,

Plaintiff,

v.

CASE NO. 8:17-cv-441-T-26JSS

WAL-MART STORES EAST, LP,

Defendant.

_____ /

ORDER

Defendant, through counsel, has filed a Notice of Trial Conflict at docket 20. The parties, through counsel, have filed a Stipulated Motion to Extend Deadlines at docket 21. These filings have prompted the Court to examine the procedural history of this case, including the basis for Defendant's removal from the state court filed at docket 1, which removal is based solely on the fact that Plaintiff admitted, in response to one of Defendant's Request for Admissions, "that Plaintiff is alleging damages in excess of \$75,000.00." In light of that fact, the Court, in reliance on two recent decisions remanding cases involving this same Defendant based on the fact that such an admission does not confer diversity jurisdiction on this Court, thus depriving the Court of subject matter jurisdiction, concludes that this case should also be remanded to state court. See

Brown v. Wal-Mart Stores East, LP, case number 8:18-cv-82, docket 7; Delgado-Velazquez v. Wal-Mart Stores East, LP, case number 8:17-cv-2910, docket 8.

ACCORDINGLY, because pursuant to 28 U.S.C. § 1447(c) this Court is mandated to remand a case to state court prior to the entry of final judgment if at any time it appears subject matter jurisdiction is lacking, and because it is manifestly apparent from the record before this Court that subject matter jurisdiction in the form of diversity jurisdiction is lacking, it is **ORDERED AND ADJUDGED** as follows:

- 1) The Clerk is directed to remand this case to the Circuit Court of the Thirteenth Judicial Circuit, in and for Hillsborough County, Florida, and to **close** the case following remand.
- 2) The Motion for Extension of Time (Dkt. 21) is denied as moot.
- 3) The parties are relieved of the responsibility to mediate this case pursuant to the Court's order entered at docket 19.

DONE AND ORDERED at Tampa, Florida, on January 23, 2018.

s/Richard A. Lazzara
RICHARD A. LAZZARA
UNITED STATES DISTRICT JUDGE

COPIES FURNISHED TO:
Counsel of Record