

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>U.S. FREIGHTWAYS LOGISTICS, INC.,</b>	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 15 C 2299
	)	
<b>H T BAR, INC. and JOHN R. JONES,</b>	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

This action was originally removed by defendants H T Bar, Inc. ("H T Bar") and John Jones from its place of origin, the Circuit Court of Cook County, as assertedly coming within the diversity-of-citizenship branch of federal subject matter jurisdiction -- there was no question as to the existence of total diversity, and defendants believed in good faith that the amount in controversy exceeded the jurisdictional floor of over \$75,000 (see 28 U.S.C. § 1332(a)).<sup>1</sup> Based on further discussion between the litigants as to the latter component of diversity jurisdiction, an authorized agent of plaintiff U.S. Freightways Logistics, Inc. has stipulated via affidavit that the amount in controversy is instead less than \$75,000, and accordingly defense counsel has moved to remand this action to its place of origin.

Here are the relevant provisions of the Motion for Remand:

WHEREFORE, consistent with the position defendant stated originally, defendant admits that the court no longer meets the jurisdictional requirements and should be remanded instanter to the Circuit Court of Cook County, Illinois.

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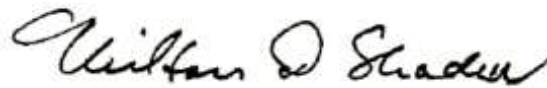
<sup>1</sup> All further references to Title 28's provisions will simply take the form "Section --," omitting the prefatory "28 U.S.C. §."

This was discussed with counsel for the plaintiff U.S. FREIGHTWAYS LOGISTICS, INC. Thomas Koziol.

That stipulation and admission bring into play this provision of Section 1447(c):

If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded.

This Court so orders, and the Clerk of this District Court is ordered to mail a certified copy of the order of remand to the Clerk of the Circuit Court of Cook County forthwith.



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Milton I. Shadur  
Senior United States District Judge

Date: March 26, 2015