

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA
EASTERN DIVISION

JASON LEO BENTLY,)	
)	
Plaintiff,)	No. 15 cv 2111 EJM
vs.)	
)	ORDER
SUMMIT TOWER SOLUTIONS,)	
LLC, and JAMES WESTERHOFF,)	
)	
Defendants.)	
)	

Before the court is the unresisted Report and Recommendation (R&R) of the Magistrate Judge (MJ) filed September 6, 2016. R&R accepted.

Plaintiff, an Iowa-based former employee of corporate defendant Summit Tower Solutions, LLC (Summit), brought this action in state court against his Oklahoma-based former employer and its President and owner James Westerhoff, for breach of an employment contract. Defendants removed it under 28 U.S.C. § 1441(b) on December 28, 2015. Jurisdiction was claimed under 28 U.S.C. §1332. Summit filed for Chapter 7 bankruptcy protection in the Western District of Oklahoma on February 29, 2016, case number 16-10656. This court therefore stayed the counts against debtor Summit pursuant to 11 U.S.C. § 362(a)(1). The case against individual defendant Westerhoff proceeded. However, on March 14, 2016, the court referred the case to the MJ for an R&R on whether the jurisdictional threshold under 28 U.S.C. §1332 was met.

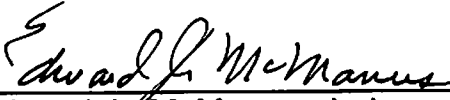
On September 6, 2016, after briefing by the parties, the MJ filed an R&R reporting and recommending that the jurisdictional threshold of \$75,000, exclusive of interest and costs, is met in this case, and that therefore jurisdiction exists. Both parties agree with this result. The court agrees with the MJ's analysis in the R&R as well.

It is therefore

ORDERED

R&R accepted. Jurisdiction confirmed.

September 22, 2016



Edward J. McManus, Judge
UNITED STATES DISTRICT COURT