

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION at LEXINGTON

KATHY JEAN BUTLER,)	
)	
Plaintiff,)	Civil Action No. 5:10-233-JMH
)	
v.)	
)	
)	
GOSS INTERNATIONAL)	MEMORANDUM OPINION AND ORDER
CORPORATION, et al.,)	
)	
Defendants.)	

** ** ** ** **

On July 2, 2010, this Court ordered [DE 6] Defendant to show cause why this matter should not be remanded to Boyle Circuit Court on the grounds that there is nothing from which to ascertain that it is more likely than not that the relief Plaintiff seeks is in excess of \$75,000. In Defendant's Response to the Show Cause Order [DE 8], Defendant submits that "it has no information to present to the court in addition to the allegations contained within the Plaintiff's Complaint showing that they amount in controversy in the matter 'more likely than not' exceeds \$75,000." As stated in the Court's earlier Order, this is not enough. In the absence of some competent proof of an amount in controversy which exceeds \$75,000, the Court is of the opinion that it lacks original jurisdiction over this matter under 28 U.S.C. § 1332 and that this matter was improperly removed to this Court at this time under 28 U.S.C. § 1441. For this reason and as more fully explained in the Court's July 28, 2010, Order, the matter shall be remanded to Boyle Circuit Court for all further proceedings.

Accordingly, **IT IS ORDERED:**

- (1) that this matter is **REMANDED** to the Boyle Circuit Court; and
- (2) that the Clerk shall **STRIKE** this matter from the active docket.

This the 8th day of October, 2010.



Signed By:

Joseph M. Hood *JMH*

Senior U.S. District Judge