

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

VICKI WATKINS,)	
)	
Plaintiff,)	Civil Action No. 5:11-224-JMH
)	
v.)	
)	
)	
OSCAR G. CARLSTEDT COMPANY)	MEMORANDUM OPINION AND ORDER
)	
Defendant.)	

** ** ** ** **

On July 20, 2011 this Court entered a Memorandum Opinion and Order [Record No. 3] requiring Defendant to show cause why this matter should not be remanded to Fayette Circuit Court. Specifically, the Court was of the opinion that it lacked original jurisdiction over this matter under 28 U.S.C. § 1332 and that this matter had been improperly removed to this Court under 28 U.S.C. § 1441 in the absence of any competent proof of an amount in controversy which exceeds \$75,000.

Defendants have now filed a Response [Record No. 4], detailing the basis for its belief that the amount in controversy exceeds \$75,000. Defendant relies on Plaintiff's admission that the amount of damages exceeds \$75,000, exclusive of interest and costs.

The defendants "must show that it is more likely than not that the plaintiff's claims exceed \$75,000." *King v. Household Finance Corp. II*, 593 F.Supp.2d 958, 959 (E.D. Ky. 2009). This Court is of

the opinion that Defendants have shown by competent proof that it is more likely than not that the amount in controversy exceeds \$75,000. See *King*, 593 F.Supp.2d at 959. The Court is satisfied that it has original jurisdiction over this matter under 28 U.S.C. § 1332, and that the action was properly removed pursuant to 28 U.S.C. § 1441(a).

Accordingly, **IT IS ORDERED** that the Court's Order [Record No. 3] of July 20, 2011, is **DISCHARGED**.

This the 22nd day of July, 2011.



Signed By:

Joseph M. Hood *JMH*

Senior U.S. District Judge