

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

DANIEL STORM,	)	
	)	
Plaintiff,	)	
	)	Civil Case No. 16-cv-147-
v.	)	JMH
	)	
ROSCOE MEDICAL, INC.,	)	
	)	
Defendant.	)	<b>MEMORANDUM OPINION &amp; ORDER</b>
	)	

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Defendant Roscoe Medical, Inc. ("Roscoe") has responded to the Court's Order requiring it to show cause why this matter should not be remanded to the Fayette Circuit Court in the absence of competent proof of an amount in controversy which exceeds \$75,000 and, thus, the lack of any basis for an exercise of jurisdiction by this Court. In its Response, Roscoe points to Plaintiff's response to Roscoe's Request for Admission in which Plaintiff admits that he seeks damages which "exceed[] the sum of \$75,000.00, exclusive of interests and costs." [DE 8-1 at 1, Page ID#: 37.] The response to the Request for Admission is dated May 26, 2016 - three days after the Court's Order requiring Defendant to show cause and thirteen days after the Notice of Removal. Nonetheless, the Court accepts that the Request for Admission demonstrates that the amount in controversy requirement was met at the time of removal on May

13, 2016. Thus, this Court's exercise of jurisdiction is proper under 28 U.S.C. § 1332 and 1441 because this case could have been brought in federal court originally as the parties have diverse citizenship and the amount in controversy is greater than \$75,000.

Accordingly, the Court's May 26, 2016, Order to Show Cause is **DISCHARGED**.

This the 27th day of May, 2016.



**Signed By:**

Joseph M. Hood *JMH*

**Senior U.S. District Judge**