

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
AT LOUISVILLE

CIVIL ACTION NO. 3:12-CV-16-H

JANICE M. SEIBERT

PLAINTIFF

V.

TARGET CORPORATION

DEFENDANT

**MEMORANDUM OPINION AND ORDER**

This case was removed from Jefferson Circuit Court on January 10, 2012, based upon diversity of citizenship and the assertion that the amount in controversy could exceed \$75,000. Plaintiff has now moved to remand based on her assertion that damages will not exceed the jurisdictional amount.

The key factor at this juncture is that Plaintiff has not stipulated to damages of less than \$75,000. Because jurisdiction is determined at the time of removal, as a general matter, events occurring after removal that reduce the amount in controversy do not oust jurisdiction under the diversity statute. *Rogers v. Wal-Mart Stores, Inc.*, 230 F.3d 868, 872 (6<sup>th</sup> Cir. 2000); *see also*, *Ahearn v. Charter Twp. of Bloomfield*, 100 F.3d 451, 453 (6<sup>th</sup> Cir. 1996). However, this Court has taken the view that a post-removal stipulation can be used to clarify the amount at issue. *See Egan v. Premier Scales & Systems*, 237 F.Supp. 2d 774 (W.D. Ky. 2002). Such a stipulation must be unequivocal to suffice. *Id.* Here, Plaintiff has not made such an adequate stipulation and, therefore, the amount at issue remains contested.

The Court being otherwise sufficiently advised,

IT IS HEREBY ORDERED that Plaintiff's motion to remand is DENIED.

cc: Counsel of Record