

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

CIVIL ACTION NO. 3:12CV-548-H

YOUSIF HASSAN

PLAINTIFF

V.

STATE FARM FIRE & CASUALTY INS. CO.

DEFENDANT

MEMORANDUM OPINION AND ORDER

Plaintiff, Yousif Hassan, has moved to remand this case to Jefferson Circuit Court on the grounds that Defendant's removal was untimely. The Court has reviewed the motion and responses and agrees that the case should be remanded to state court.

First, the Court is not certain that Defendant has actually established that Plaintiff seeks an amount in excess of \$75,000. The Court notes that the actual insurance policy amount at issue is only \$3,627.42. Discovery proceeded without positive evidence that the amount at issue might exceed \$75,000.

Defendant bases its removal upon Plaintiff's responses to its request for admission which were filed on July 17, 2012, in which Plaintiff answered on August 15, 2012. The answers which Plaintiff supplied at this time were the same answers which he had provided almost a year earlier. The Court does not find that Defendant received any additional information which would have substantially changed its outlook on the case. Consequently, if Defendant had a right to remove after August 15, 2012, it also had a right to remove after November 1, 2011. Defendant cannot extend its time for removal simply by answering the same questions and receiving the same answers.

Being otherwise sufficiently advised,

IT IS HEREBY ORDERED that Plaintiff's motion to remand is SUSTAINED and this case is REMANDED to Jefferson Circuit Court.

IT IS FURTHER ORDERED that Plaintiff's request for attorney's fees is DENIED.

cc: Counsel of Record
Jefferson Circuit Court