

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

G.C.P. TELEPHONE CARDS, LLC, d/b/a LA PLACITA II AND LA PLACITA III; AIMEE FLORES	*	CIVIL ACTION
VERSUS	*	NO: 10-4305
ADT SECURITY SERVICES, INC.	*	SECTION: "D"(2)

ORDER AND REASONS

Before the court is the **"Motion to Remand"** (Doc. No. 8) filed by Plaintiffs, G.C.P. Telephone Cards LLC d/b/a LaPlacita II and LaPlacita III and Aimee Flores. Defendant, ADT Security Services, Inc., filed a memorandum in opposition. The motion, set for hearing on Wednesday, January 26, 2011, is before the court on briefs, without oral argument. Now, having considered the memoranda of counsel, the record, and the applicable law, the court finds that the motion should be denied.


In their Motion to Remand, Plaintiffs argue that the amount in controversy does not exceed \$75,000.00. However, the court finds that it is facially apparent from the allegations in Plaintiffs'

Petition that Plaintiffs' claims exceed \$75,000.00.¹

Accordingly;

IT IS ORDERED that Plaintiffs' "Motion to Remand" (Doc. No. 8) be and is hereby **DENIED**.

New Orleans, Louisiana, this **26th** day of **January**, 2011.


A.J. McNAMARA
UNITED STATES DISTRICT JUDGE

¹ The court further notes that pursuant to Louisiana Code of Civil procedure Article 893,

No specific monetary amount of damages shall be included in the allegations or prayer for relief of any original, amended, or incidental demand. The prayer for relief shall be for such damages as are reasonable in the premises except that if a specific amount of damages is necessary to establish the jurisdiction of the court, the right to a jury trial, **the lack of jurisdiction of federal courts due to insufficiency of damages**, or for other purposes, **a general allegation that the claim exceeds or is less than the requisite amount is required**. By interrogatory, an opposing party may seek specification of the amount sought as damages, and the response may thereafter be supplemented as appropriate.

La. C. Civ. Proc. 893(A)(1)(emphasis added).

Here, Plaintiffs pray "for such damages as are reasonable in the premises," but they fail to make a general allegation that damages they seek are less than the requisite amount for federal court jurisdiction.