

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF LOUISIANA

FILED
U.S. DIST. COURT
MIDDLE DISTRICT OF LA

MAY 11 P 3:31

KYRA J. ROSS

VERSUS

BURGER KING CORPORATION

SIGN
DEPUTY CLERK

CIVIL ACTION

NO. 08-766-JVP-CN

**RULING ON MOTION
TO REMAND**

This matter is before the court on a motion to remand by plaintiff, Kyra J. Ross (doc. 9). Defendant, Burger King Corporation, opposes the motion (doc. 10). Jurisdiction is at issue. There is no need for oral argument.


Attached to plaintiff's motion is a stipulation that the damages in this matter do not exceed \$75,000 (doc. 9-2) and, therefore, that the court lacks jurisdiction pursuant to 28 U.S.C. § 1332. Defendant opposes, citing dissatisfaction with the form of the stipulation and the absence of a corresponding state court stipulation.

Unless defendant is completely satisfied as to the enforceability of plaintiff's stipulation, the court has no choice but to deny the motion. Should plaintiff desire to re-file, she is encouraged to consult with defendant and draft a stipulation with which both parties are satisfied.

cc: 19th JDC

Accordingly, for the foregoing reasons, the motion to remand by plaintiff, Kyra J. Ross (doc. 9), is hereby **DENIED**.

Baton Rouge, Louisiana, May 22, 2009.



JOHN V. PARKER
UNITED STATES DISTRICT JUDGE
MIDDLE DISTRICT OF LOUISIANA