

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

FILED  
U.S. DIST COURT  
MIDDLE DIST. OF LA  
2009 AUG 13 P 2:30

KYRA J. ROSS

BY DEPUTY CLERK

VERSUS

CIVIL ACTION

BURGER KING CORPORATION

NO. 08-766-JVP-CN


**RULING ON MOTION  
TO REMAND**

On May 11, 2009, the court denied plaintiff Kyra J. Ross's original motion to remand (doc. 11). Attached to the motion was a stipulation that the damages in this matter do not exceed \$75,000 and, therefore, that the court lacked jurisdiction. The court denied the motion based on defendant's dissatisfaction with the form of the stipulation and encouraged counsel to co-draft a satisfactory version. This matter is now before the court on a second, unopposed motion to remand by plaintiff, Kyra J. Ross (doc. 14), attached to which is a stipulation identical to that attached to the initial motion. Jurisdiction is at issue. There is no need for oral argument.

Defendant has neither objected to nor taken issue with plaintiff's second post-removal stipulation. The court assumes, therefore, that defendant is now satisfied as to form and enforceability and that jurisdiction is lacking.

Accordingly, for the foregoing reasons, the motion to remand by plaintiff, Kyra J. Ross (doc. 14), is hereby **GRANTED** and this matter shall be remanded to the 19<sup>th</sup> Judicial District Court, Parish of East Baton Rouge, State of Louisiana.

Baton Rouge, Louisiana, August 13, 2009.

  
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RALPH E. TYSON, CHIEF JUDGE  
UNITED STATES DISTRICT  
MIDDLE DISTRICT OF LOUISIANA