

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

DANNY J. McGLYNN

VERSUS

RALPH D. HUSTON

CIVIL ACTION

NO. 09-829-JJB

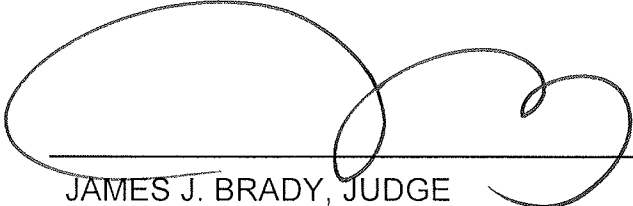
RULING

The court has carefully considered the record, the law applicable to this action, and the Reports and Recommendations of United States Magistrate Judge Christine Noland, dated November 6, 2009 (doc. 10) and January 27, 2010 (doc. no. 21). The court has additionally considered the briefs filed by the parties.

The magistrate judge has correctly and amply set forth the applicable law. It is clear that jurisdictional amount was not apparent on the face of the state court petition. The court further agrees with the magistrate judge's assessment as to the speculative nature of the proof submitted by defendant. Consequently, the court accepts McGlynn's affidavit waiving any right to compensation exceeding \$75,000. The Reports are hereby approved and adopted; this matter will be remanded.

Accordingly; the motion to remand (doc. 6) is hereby GRANTED.

Baton Rouge, Louisiana, March 24th, 2010.



JAMES J. BRADY, JUDGE
MIDDLE DISTRICT OF LOUISIANA