

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

CHARLOTTE CORNISH AND PERCY
CORNISH

VERSUS

ALLSTATE INDEMNITY COMPANY

CIVIL ACTION

NUMBER 10-173-FJP-DLD

O P I N I O N

After independently reviewing the entire record in this case and for reasons set forth in the Magistrate Judge's Report to which no objection was filed:

The defendant proved by a preponderance of the evidence that plaintiffs' contents claim alone satisfies the amount in controversy. Plaintiffs failed to prove by a "legal certainty" that their claims do not exceed the \$75,000 jurisdictional minimum. Thus, the amount in controversy is satisfied, and this court has subject matter jurisdiction over this matter.

Therefore, IT IS ORDERED that the plaintiff's motion to remand shall be denied.¹

Baton Rouge, Louisiana, July 15, 2010.



FRANK J. POLOZOLA
MIDDLE DISTRICT OF LOUISIANA

¹ Rec. Doc. No. 6.
Doc#46833