

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

DENISE WILSON

CIVIL ACTION

VERSUS

NO. 11-686-JJB-DLD

RACETRAC PETROLEUM, INC., ET AL.

RULING

The court has carefully considered the petition, the record, the law applicable to this action, and the Report and Recommendation of United States Magistrate Docia L. Dalby dated December 14, 2011 as supplemented on January 23, 2012 (doc. no. 4 and 14). The defendant filed an objection after the first report and the matter was sent back to the Magistrate for a supplemental recommendation. Defendant has filed an objection to the second report. The request (doc. 16) for oral argument is DENIED.

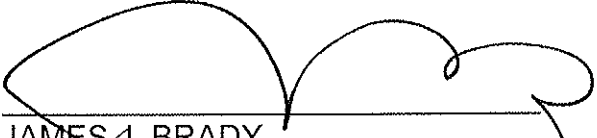
The court hereby approves the report and recommendation issued on January 23, 2012 as supplemented by the magistrate judge and adopts it as the court's opinion herein. The bottom line is that the allegations of the state court petition left jurisdictional amount uncertain and the magistrate judge properly accepted the post-removal stipulation¹ in clarification.

Accordingly, the motion to remand (doc. no. 4) is GRANTED and this matter is REMANDED to the 19th Judicial District Court, Parish of East Baton Rouge, State of

¹ Defendant notes that the stipulation was signed only by plaintiff's attorney. In this regard, the court notes that defendant provided the form of stipulation to counsel for plaintiff. Doc. 1-1. The court agrees with defendant that counsel for plaintiff was slow to enter into the stipulation. However, counsel for plaintiff signed and returned to defendant on November 22, 2011, prior to the issuance of the first Report and Recommendation (doc. 10).

Louisiana.

Baton Rouge, Louisiana, this 16th day of February, 2012.



JAMES J. BRADY
UNITED STATES DISTRICT JUDGE