UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF LOUISIANA

ROUEGE TRUCKING, LLC

VERSUS

SHAWN CANALES, ET AL.

CIVIL ACTION

NO. 14-304-JJB

RULING ON MOTION TO REMAND AND FOR SANCTIONS

This matter is before the court on the Report and Recommendation issued by the magistrate judge on December 11, 2014. The magistrate judge recommends that plaintiff's motion to remand be granted and the motion for Rule 11 sanctions be denied. Defendant AXIS has filed an objection to the report. There is no need for oral argument.

In his report, the magistrate judge concludes that defendant failed to establish that the amount in controversy in this matter exceeds $75,000. The first objection defendant makes relies on the allegation of plaintiff's First Amended Petition seeking premium payments of "$10,108.55 per month x 11 months, or $111,194.00." On the surface, this seems to be a valid argument. However, defendant fails to account for the fact that an attachment to plaintiff's pleading reveals that premiums were in fact set in the amount of $10,108.55 per annum, not per month.[1]

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[1]Additionally, $9,147.60 of this amount went toward a policy issued by Hallmark Specialty Insurance Company. Despite defendant's objection, there is no real dispute that the amount of premium payments at issue is actually $880.

Defendant alternatively claims that the amount of economic damages sought by plaintiff are enough to exceed the requisite jurisdictional amount. The court has reviewed the record and agrees with the magistrate judge that the amount of the other items of damages in this action are not readily apparent from the state court pleading. Defendant claims that the magistrate judge erred by failing to include the "value of the spoiled chicken" in determining the amount in controversy. The undersigned finds no error in this regard for the reasons stated by the magistrate judge, i.e., the claim form submitted is made on behalf of an entity that is not a party to this lawsuit. In short, defendant has failed to show that the amount in controversy based on the claims actually being made in this lawsuit exceeds $75,000.

Accordingly, the motion (doc. 11) for REMAND will be GRANTED and the motion (doc. 28) for SANCTIONS will be DENIED.

Baton Rouge, Louisiana, January 14, 2015.

JAMES J. BRADY, DISTRICT JUDGE