

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

RYAN LOGSDON, ET AL.

CIVIL ACTION

VERSUS

NO. 17-86-JJB-EWD

**AMERISURE INSURANCE
COMPANY, ET AL.**

NOTICE AND ORDER

This is a civil action involving claims for damages as a result of injuries sustained by plaintiffs, Ryan K. Logsdon, Lori L. Yarborough, and Brady Yarborough (collectively, “Plaintiffs”), in a motor vehicle accident on or about January 9, 2016.¹ The matter was removed to this Court on February 13, 2017 from the Nineteenth Judicial District Court for the Parish of East Baton Rouge, Louisiana, on the basis of diversity jurisdiction under 28 U.S.C. § 1332(a).² The Notice of Removal alleges that this case meets the amount in controversy necessary for the Court to exercise federal subject matter jurisdiction based on the following:

10.

Defendants, Amerisure Insurance Company and Amerisure Mutual Insurance Company, deny liability for any damages sought by plaintiffs; however, upon information and belief, the amount in controversy exceeds the requisite jurisdictional amount of \$75,000.00

11.

Plaintiffs, Ryan K. Logsdon, Lori L. Yarborough, and Brady Yarborough, allege that as a result of this collision, they have been caused to suffer: “(a) severe personal injuries, (2) severe physical injury, (3) severe emotional injury, (4) pain and suffering, (5) past and future medical expenses, (6) loss of enjoyment of life, (7) loss

¹ See, R. Doc. 1-1.

² R. Doc. 1.

of earnings or earnings capacity, (8) other damages to be shown at trial, and (9) loss of service and society. [sic]³

It is not apparent from the face of Plaintiffs' Petition for Damages or the Notice of Removal that Plaintiffs' claims in this matter are likely to exceed \$75,000.00. Paragraph 12 of Plaintiffs' Petition for Damages states:

As a result of the described accident, petitioners Ryan K. Logsdon, Lori L. Yarborough, and Brady Yarborough have suffered severe personal injuries, including but not limited to, severe physical injury, severe emotional injury, pain and suffering, past and future medical expenses, loss of enjoyment of life, loss of earnings or earnings capacity and other damages which may be shown at the trial of this matter.⁴

While Plaintiffs do seek several items of damages, there is no indication of the amount in controversy related to their alleged damages.

Although Plaintiffs have not filed a Motion to Remand, the Court sua sponte raises the issue of whether it may exercise diversity jurisdiction in this matter, specifically, whether the amount in controversy requirement has been met.

IT IS ORDERED that defendants Amerisure Insurance Company and Amerisure Mutual Insurance Company (collectively, "Defendants"), shall file a memorandum and supporting evidence concerning subject matter jurisdiction within ten (10) days of the date of this Notice and Order, and that Plaintiffs shall file a memorandum and supporting evidence concerning the Court's subject matter jurisdiction ten (10) days after the filing of Defendants' memorandum.

Signed in Baton Rouge, Louisiana, on February 15, 2017.



ERIN WILDER-DOOMES
UNITED STATES MAGISTRATE JUDGE

³ R. Doc. 1 at 3-4 (citation omitted).

⁴ R. Doc. 1-1 at ¶ 12.