

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

BOYD BLOUNT

CIVIL ACTION

VERSUS

NO. 17-351-JWD-EWD

LONNY DARBY,
W.C. FORE TRUCKING,
AND NATIONAL CASUALTY
COMPANY**NOTICE AND ORDER**

This is a civil action involving claims for damages as a result of injuries sustained by Plaintiff, Boyd Blount (“Plaintiff”), from an automobile accident on or about May 8, 2016. The matter was removed by defendants, Lonny T. Darby, W.C. Fore Trucking, Inc., and National Casualty Company (collectively, “Defendants”), on June 2, 2017 pursuant to 28 U.S.C. §1332.¹

The Notice of Removal alleges that the parties are completely diverse.² However, it is not apparent from the face of Plaintiff’s Petition for Damages that the claims are likely to exceed \$75,000.00. In the Petition, Plaintiff alleges that he suffered injuries including “[b]ack pain/injuries” and “[n]eck pain/injuries.”³ Plaintiff seeks damages including past, present, and future: (1) physical pain and suffering; (2) mental pain, anguish, and distress; (3) medical expenses; (4) loss of enjoyment of life; (5) disability; (6) impairment of earning capacity; and (7) lost wages.⁴ There is no allegation in the Petition or the Notice of Removal regarding Plaintiff’s specific injuries, the extent of his alleged disability, his medical expenses, or his lost wages.

¹ R. Doc. 1.

² R. Doc. 1, ¶¶ II & III.

³ R. Doc. 1-2, ¶ 16. In the Notice of Removal, Defendants assert “[i]n this matter, plaintiff alleges she sustained ‘serious injuries to her person including but not limited to, injuries to her back, neck, legs, knees, arms, shoulders, hips, wrists, ankles, head accompanied with headaches, and emotions...’” R. Doc. 1, ¶ VI. Based on Plaintiff’s Petition for Damages, this assertion appears to be from a different case.

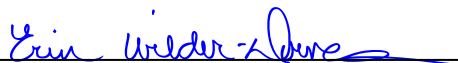
⁴ R. Doc. 1-2, ¶ 17.

Based on the allegations set forth in the Petition, as well as the information asserted in the Notice of Removal, 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, Lonny T. Darby, W.C. Fore Trucking, Inc., and National Casualty Company, shall file a memorandum and supporting evidence concerning subject matter jurisdiction, specifically whether the amount in controversy requirement of 28 U.S.C. § 1332 is met, within ten (10) days of this Notice and Order.

IT IS FURTHER ORDERED that Plaintiff shall file either: (1) a memorandum and supporting evidence concerning the court's subject matter jurisdiction, specifically, whether the amount in controversy requirement of 28 U.S.C. § 1332 is met; or (2) a Motion to Remand, within ten (10) days after the filing of Defendants' memorandum. The case will be allowed to proceed if jurisdiction is adequately established.

Signed in Baton Rouge, Louisiana, on June 5, 2017.



ERIN WILDER-DOOMES
UNITED STATES MAGISTRATE JUDGE