

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

MICHAEL LIGHTFOOT

CIVIL ACTION

VERSUS

NO. 17-463-BAJ-EWD

OLD REPUBLIC INSURANCE
COMPANY, LANDSTAR RANGER, INC.,
AND ALVIN L. HURT**NOTICE AND ORDER**

This is a civil action brought by Plaintiff, Michael Lightfoot (“Plaintiff”), involving claims for damages as a result of a motor vehicle accident. The matter was removed by defendants, Landstar Ranger, Inc. and Old Republic Insurance Company (the ‘Removing Defendants’) on July 18, 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 severe injuries which have caused...severe pain and suffering, loss of enjoyment of life, lost wages and medical expenses, past, present and future.”³ Plaintiff seeks damages including past, present, and future medical expenses; past, present, and future general damages for pain, suffering, and “severe emotional distress;” and “lost wages, and loss of earning capacity”⁴ and alleges that his “damages exceed \$50,000.00.”⁵

Neither Plaintiff’s Petition nor the Notice of Removal set forth the specific injuries allegedly sustained by Plaintiff, the amount of lost wages claimed, or the medical expenses thus

¹ R. Doc. 1.

² R. Doc. 1, ¶ 5.

³ R. Doc. 1-1, ¶ 8.

⁴ R. Doc. 1-1, ¶ 8.

⁵ R. Doc. 1-1, ¶ 10.

far incurred. While the Removing Defendants assert that “counsel has followed up with counsel for plaintiff who advises that the damages will exceed \$75,000...,” the Removing Defendants have not provided any additional explanation or support for this assertion (such as correspondence, responses to discovery requests, offers of stipulation, etc.).

Based on the allegations set forth in the Petition, as well as the information asserted in the Notice of Removal and attached thereto, 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, Landstar Ranger, Inc. and Old Republic Insurance 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 July 20, 2017.



ERIN WILDER-DOOMES
UNITED STATES MAGISTRATE JUDGE