

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

ERIC HOPKINS

CIVIL ACTION

VERSUS

CROWN ASSOCIATED, LLC, ET AL.

NO.: 18-CV-00595-BAJ-EWD

RULING AND ORDER

Before the Court is the United States Magistrate Judge's **Report and Recommendation (Doc. 14)** pursuant to 28 U.S.C. § 636(b)(1). The Report and Recommendation addresses Plaintiff Eric Hopkins' request that the instant matter be remanded to the 18th Judicial District Court of Iberville Parish, Louisiana. The Report and Recommendation also addresses Defendants' request for jurisdictional discovery regarding the amount in controversy. Finally, the Report and Recommendation addresses whether Plaintiff is entitled to fees and costs under 28 U.S.C. § 1447(c). Defendants filed an objection to the Magistrate Judge's Report and Recommendation. (Doc. 15).

Plaintiff filed a petition for damages in the 18th Judicial District Court of Iberville Parish, Louisiana against Ace American Insurance Company ("Ace"), Crown Associates, LLC ("Crown"), and Lee Roussel ("Roussel") for damages arising out of injuries Plaintiff sustained in an automobile accident. (Doc. 1-1 at pp. 3-6). Upon reviewing a list of Plaintiff's claimed damages, and upon finding no language in the complaint asserting that Plaintiff's damages were below the required amount in

controversy to be removed to federal court Crown removed the instant matter to this Court. (Doc. 1). The Magistrate Judge *sua sponte* raised the issue of whether the amount in controversy requirement was met for federal jurisdiction, and ordered parties to submit memoranda and supporting evidence concerning the amount in controversy. (Doc. 2). Crown alleged that Plaintiff refused to give it any information concerning the extent of Plaintiff's injuries, nor would Plaintiff allow Crown to view any medical records. (Doc. 5 at p. 3). Crown argued that it is unaware of any evidence that the amount in controversy is *less* than requirements for federal jurisdiction, and therefore asserted that the matter should remain in federal court based solely on the petition for damages and Plaintiff's reticence to disclose medical information. (Doc. 5 at p. 4). The Magistrate Judge recommended that the matter be remanded, that Defendants' request for jurisdictional discovery be denied, and that Defendants should be made to pay Plaintiff's attorney's fees and costs pursuant to 28 U.S.C. § 1447(c). (Doc. 14 at pp. 16-17).

Defendants filed objections to the Magistrate Judge's Report and Recommendation. (Doc. 15). In their objection, Defendants claim that they agree that this matter should be remanded but disagree with the Magistrate Judge's decision to assess fees and costs to Plaintiff. (Id. at pp. 1-2). Defendants argue that contrary to the Magistrate Judge's findings, they had a legitimate reason to believe the "amount-in-controversy" requirement for federal jurisdiction had been met prior to removal of this action. (Id.).

The Report and Recommendation notified the parties that, pursuant to 28 U.S.C. § 636(b)(1), they had fourteen (14) days from the date they received the Report and Recommendation to file written objections to the proposed findings of fact, conclusions of law, and recommendations therein. (Id. at p. 1). Furthermore, the Magistrate Judge considered arguments similar to those being made by Defendants in the instant motion, and issued a thoughtful, detailed Report and Recommendation awarding costs and fees to Plaintiff nonetheless. Having carefully and independently considered the underlying pleadings, the instant motion, and related filings, the Court approves the Magistrate Judge's Report and Recommendation, and hereby adopts its findings of fact, conclusions of law, and recommendation.

Accordingly,

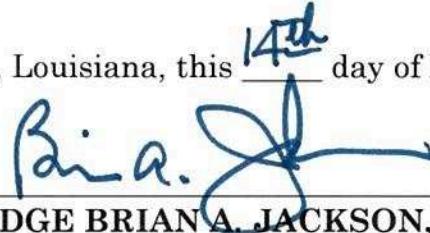
IT IS ORDERED that the **Magistrate Judge's Report and Recommendation (Doc. 14)** is **ADOPTED** as the Court's opinion herein.

IT IS FURTHER ORDERED that Plaintiff's **Motion to Remand (Doc. 7)** is **GRANTED**.

IT IS FURTHER ORDERED that the instant matter is **REMANDED** to the 18th Judicial District Court, Parish of Iberville, State of Louisiana.

IT IS FURTHER ORDERED that Plaintiff is awarded fees and costs pursuant to 28 U.S.C. § 1447(e). Plaintiff is **DIRECTED** to file within 10 days of this Order, a motion with supporting documents for costs and actual expenses, including attorney's fees.

Baton Rouge, Louisiana, this 14th day of March, 2019.



**JUDGE BRIAN A. JACKSON,
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**