

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAKE CHARLES DIVISION**

**PAUL BROWN, ET AL** : **DOCKET NO. 14-cv-3534**  
**VERSUS** : **JUDGE MINALDI**  
**ALCOA, INC., ET AL** : **MAGISTRATE JUDGE KAY**

**ORDER**

Upon further reflection on [31] the Memorandum Order which remanded this matter to the undersigned to determine if the amount in controversy is satisfied, and reconsidering the court's [40] Order allowing the parties to submit evidence as to the amount in controversy, we hereby RESCIND the [40] Order. In order to comply with the [31] Memorandum Order we will re-examine the evidence before us filed at the time of removal in order to determine if the "amount-in-controversy requirement is satisfied between the compensatory damages and injunctive relief sought." Doc. 31. *See also Gebbia v. Wal-Mart Stores, Inc.*, 233 F.3d 880, 883 (5th Cir. 2000) ("The jurisdictional facts that support removal must be judged at the time of removal.")

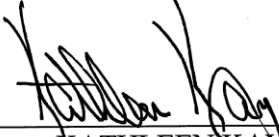
The court, in accordance with established jurisprudence, will make a determination if the defendant has shown by a preponderance of the evidence whether it is facially apparent that the claims exceed \$75,000 or if facts set forth in the removing petition support a finding of the requisite amount in controversy. *Lockett v Delta Airlines, Inc.* 171 F.3d 295, 298 (5th Cir.1999). The parties are invited to re-brief this issue but additional evidence will not be considered.

Accordingly,

IT IS ORDERED that the #40 Order issued by this court on October 14, 2015 is hereby RESCINDED.

IT IS FURTHER ORDERED that defendants may submit a brief on the issue of jurisdiction on or before November 23, 2015 and any opposition thereto may be submitted on or before December 3, 2015. A reply brief may be submitted on or before December 10, 2015.

THUS DONE this 26<sup>th</sup> day of October, 2015.

  
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KATHLEEN KAY  
UNITED STATES MAGISTRATE JUDGE