

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

W. THOMAS ANGERS, ET AL

CIVIL ACTION NO. 10-668

VERSUS

JUDGE MELANCON

**COX COMMUNICATIONS
LOUISIANA, LLC, ET AL**

MAGISTRATE JUDGE HANNA

ORDER REGARDING JURISDICTIONAL AMOUNT

The record shall reflect that this court has conducted a review of the jurisdictional amount in this case and concludes that it appears the jurisdictional amount exists.

Defendants removed this matter from a Louisiana state court on April 23, 2010, after plaintiffs forwarded on April 8, 2010, a settlement demand in excess of the jurisdictional amount necessary for jurisdiction under 28 U.S.C. §1332.¹

The Fifth Circuit Court of Appeals has held that a post-complaint demand letter may be an “ other paper” under 28 U.S.C. §1446(b) sufficient to give notice that a case is removable. Addo v. Globe Life and Accident Ins., 230 F.3d 759, 762 (5th Cir. 2000).

Lower courts have considered settlement demands in determining the amount in controversy.²

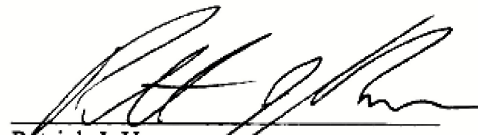
¹See Notice of Removal (Rec. Doc. 1), p. 3.

²See Norris v. Wal-Mart Stores, Inc., 2006 WL 1476045 (W.D.La. 2006): “Gertrude Gardner, Inc. v. State Farm Automobile Ins. Co., 2003 WL 1873863 (E.D.La.2003) (a settlement offer can be valuable evidence indicating the amount in controversy at the time of removal); Lonon v. Prieto, 2000 WL 913808 (E.D.La.2000) (same); Edwards v. Fred's, Inc., 2005 WL 2106156 (W.D.La.2005) (a demand letter may be considered by the court in determining the true amount in controversy).”

The petition is silent as to the amount of damages, but plaintiffs are attorneys who allege they suffered monetary damages when they were listed, both personally and professionally, under the letter “ W” instead of the letter “ A” in the 2008 and 2009 telephone directories.

Considering the allegations of the petition, the Notice of Removal, and the settlement demand, the undersigned finds the amount in controversy likely exceeds seventy-five thousand (\$75,000) dollars.

Signed this 19th day of July, at Lafayette, Louisiana.



Patrick J. Hanna
United States Magistrate Judge
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