

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

TONIA LAJAUNIE

CIVIL ACTION NO. 6:13-cv-00137

VERSUS

JUDGE HAIK

CITIMORTGAGE, INC.

MAGISTRATE JUDGE HANNA

JURISDICTIONAL REVIEW

The record shall reflect that this Court has conducted a review of the pleadings in an effort to determine whether this Court has subject-matter jurisdiction over this action.

Although the plaintiff contended in her complaint that there is federal-question jurisdiction under 28 U.S.C. § 1331 (Rec. Doc. 1 at 1), the undersigned finds that the plaintiff did not state a claim arising under the Constitution, laws, or treaties of the United States.

The plaintiff alternatively contended in her complaint that the parties are diverse and that the amount in controversy exceeds the jurisdictional minimum. (Rec. Doc. 1 at 2). The burden of establishing subject-matter jurisdiction in federal court rests on the party seeking to invoke it.¹ Therefore, in this case, the plaintiff must bear that burden. The plaintiff alleged that she is a resident of Louisiana, and that the defendant is a corporation formed under the laws of the State of Delaware, with its

¹ *St. Paul Reinsurance Co., Ltd. v. Greenberg*, 134 F.3d 1250, 1253 (5th Cir. 1998).

principal place of business in the State of New York. (Rec. Doc. 1 at 2). The undersigned therefore finds that the parties are diverse in citizenship.

The plaintiff expressly seeks to recover \$1 million. (Rec. Doc. 1 at 14). When apparently made in good faith, the sum claimed by the plaintiff is deemed to be the amount in controversy in the lawsuit.² To support a finding that the amount in controversy requirement has not been met, “it must appear to a legal certainty that the claim is really for less than the jurisdictional amount.”³ On the face of the pleadings at this time, the undersigned has no basis for finding that the claim is actually for an amount less than \$75,000 but reminds the plaintiff’s counsel of his obligations under Fed. R. Civ. P. 11.

Accordingly, the undersigned concludes that the parties are diverse in citizenship, the amount in controversy exceeds the statutory threshold, and this Court has subject-matter jurisdiction over this action.

Signed at Lafayette, Louisiana, this 26th day of June 2014.



PATRICK J. HANNA
UNITED STATES MAGISTRATE JUDGE

² *St. Paul Reinsurance v. Greenberg*, 134 F.3d at 1253.

³ *St. Paul Reinsurance v. Greenberg*, 134 F.3d at 1253.