Grandoit v. Frigidaire et al Doc. 28

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GERARD D. GRANDOIT,	*	
	*	
Plaintiff,	*	
	*	
v.	*	Civil Action No. 10-10298-JLT
	*	
FRIGIDAIRE, ELECTROLUX WARRANTY CORPORATION and ELECTROLUX MAJOR APPLIANCES NORTH AMERICA, SHARED SERVICES,	*	
	*	
Defendant.	*	

ORDER

August 4, 2010

TAURO, J.

This action arises out of the mechanical failure of a refrigerator that was manufactured by Defendant Frigidaire and warranted by Defendants Electrolux Warranty Corporation and Electrolux Major Appliances North America. Plaintiff's Complaint asserts nine claims arising under the common law for breach of contract and product liability, as well as one statutory claim pursuant to Mass. Gen. Laws c. 93A.

Presently at issue is Defendants' Motion to Dismiss for Lack of Jurisdiction [#17]. Plaintiff has alleged no federal claims against Defendants and, therefore, contends that this court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332(a). Plaintiff's Complaint, however, appears to allege damages of only $1,742.12. Even if Plaintiff succeeded in proving a violation of Mass. Gen. Laws c. 93A, such that he would be entitled to treble damages, his damages would still fall far short of the $75,000 threshold necessary to establish diversity

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jurisdiction. Accordingly, Defendants' Motion to Dismiss for Lack of Jurisdiction [#17] is ALLOWED. This case is CLOSED.

IT IS SO ORDERED.

/s/ Joseph L. Tauro
United States District Judge