

09-10511 Tardiff v. Encompass Ins Co
EXHIBIT AUnited States District Court
Eastern District of Michigan**LR 81.1 Removal of Diversity Actions**

(a) This rule applies to actions removed on the basis of diversity of citizenship in which the complaint does not plead a specific amount in controversy in excess of the jurisdictional amount required under 28 U.S.C. § 1332.

(b) The removing defendant must:

(1) allege in the notice of removal that the amount in controversy exceeds the required jurisdictional amount, and

(2) set forth the facts or other reasons that the removing defendant possesses that support that allegation or state that the removing defendant has no such facts at that time.

(c) If the notice of removal does not establish that the case meets the jurisdictional requirement, the court may issue an order to the defendant to show cause, either orally or in writing, why the case should not be remanded to state court.

(d) If a plaintiff moves to remand, contending that the amount in controversy does not exceed the required jurisdictional amount, the plaintiff must include with the motion a signed statement of damages claimed, itemizing all damages by category and amount, or, for those categories for which the plaintiff is unable to specify a precise amount, an estimate of the maximum amount and a detailed description of the factual basis for the estimate.

(e) The court will not enter an order to remand on the ground that the amount in controversy does not exceed the required jurisdictional amount without an opportunity to be heard.

COMMENT: Nothing in LR 81.1 is intended to alter the otherwise applicable burden of proof. A form of Notice of Removal may be obtained from the Clerk's Office in Ann Arbor, Bay City, Detroit and Flint.

At both a show cause hearing or hearing on a motion to remand, both parties may file statements of facts supporting their jurisdictional allegations. These statements may be supported by affidavits or documentary evidence. The statements and supporting materials are "papers" within the meaning of Fed. R. Civ. P. 11.

March 2, 1998