

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

WILLIAM LUNSFORD	§	PLAINTIFF
	§	
	§	
	§	
v.	§	CIVIL NO. 1:17-cv-134-HSO-JCG
	§	
	§	
DOLGENCORP, LLC, and	§	
JOHN DOES 1-5	§	DEFENDANTS

ORDER GRANTING PLAINTIFF'S
[11] UNOPPOSED MOTION TO REMAND

BEFORE THE COURT is the Unopposed Motion to Remand [11] filed by Plaintiff William Lunsford. Having considered the Motion [11], the record, and relevant legal authority, the Court finds that the Motion [11] should be granted, and this matter should be remanded to the Circuit Court of Jackson County, Mississippi.

On March 24, 2017, Plaintiff filed a Complaint in the Circuit Court of Jackson County, Mississippi, naming Dollar General Corporation ("DCG") as Defendant. Compl. [1-2] at 1. DCG removed the case to this Court on May 2, 2017, ostensibly invoking diversity jurisdiction pursuant to 28 U.S.C. § 1332(a). Notice of Removal [1] at 2-3. The Complaint did not contain an *ad damnum* clause containing a specific amount of damages claimed.

On May 16, 2017, Plaintiff and DCG filed a Stipulation [4] which agreed that the total damages Plaintiff has incurred and will incur, and which Plaintiff seeks in this action, do not exceed \$75,000.00. On May 22, 2017, Plaintiff filed an Amended

Complaint [6] which substituted Dolgencorp, LLC, as Defendant in place of DCG, and clarified that Plaintiff was seeking damages not to exceed \$75,000.00. Am. Comp. [6] at 1, 5.

Plaintiff has now filed an Unopposed Motion [11] to remand the case, asserting that the amount in controversy for diversity jurisdiction is not satisfied. Mot. [11] at 1-3. Having considered the Motion [11], the record, and relevant legal authority, the parties do not dispute and the Court finds that the amount in controversy in this case does not exceed the sum or value of \$75,000.00, exclusive of interest and costs, such that diversity jurisdiction is lacking. *See* 28 U.S.C. § 1332(a); Am. Compl. [6] at 5; Mot. [11] at 1-3. Plaintiff's Motion [11] should be granted, and this matter should be remanded to the Circuit Court of Jackson County, Mississippi.

IT IS, THEREFORE, ORDERED AND ADJUDGED, that the Unopposed Motion to Remand [11] filed by Plaintiff William Lunsford is **GRANTED**.

IT IS, FURTHER, ORDERED AND ADJUDGED, that this civil action is remanded to the Circuit Court of Jackson County, Mississippi, and that a certified copy of this Order of remand shall be immediately mailed by the Clerk to the clerk of the state court pursuant to 28 U.S.C. § 1447(c).

SO ORDERED AND ADJUDGED, this the 12th day of June, 2017.

s/ Halil Suleyman Ozerden
HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE