

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

FRANCIS PARKER, et al.,

PLAINTIFFS

V.

CAUSE NO. 3:16-cv-892-CWR-FKB

ALLSTATE INSURANCE COMPANY

DEFENDANT

ORDER DENYING MOTION TO REMAND

Before the Court is Plaintiffs' second motion to remand, filed two years after this case was first removed to this Court. Plaintiffs' basis for this second motion is a recent stipulation establishing that the amount in controversy no longer satisfies the threshold amount for diversity jurisdiction. *See* Docket No. 54.

It is well-established that the initial amount pled determines whether the amount in controversy requirement has been satisfied. *See* 28 U.S.C. § 1446(c)(2) (if removal is based on diversity "the sum demanded in good faith in the initial pleading shall be deemed to be the amount in controversy"). In June of 2017, this Court found that the amount in controversy in the initial pleadings exceeded the necessary amount for this case to proceed under diversity jurisdiction. *See* Docket No. 24. "Events occurring subsequent to the institution of suit which reduce the amount recoverable below the statutory limit do not oust jurisdiction." *St. Paul Mercury Indem. Co. v. Red Cab Co.*, 303 U.S. 283, 289–90 (1938); *see also Gebbia v. Wal-Mart Stores, Inc.*, 233 F. 3d 880, 883 (5th Cir. 2000). Thus, the parties' stipulation does not divest this Court of jurisdiction. Plaintiffs' motion to remand [Docket No. 57] is DENIED.

SO ORDERED, this the 4th day of December, 2018.

s/ Carlton W. Reeves
UNITED STATES DISTRICT JUDGE