

STEPHANIE BESS,

Plaintiff,

vs.

NATIONWIDE AGRIBUSINESS
INS. CO.,

Defendant.

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\$500,000 per accident. However, plaintiff only alleges medical bills in the amount of \$15,000.00 and lost wages in the amount of \$2,500.00 as a result of the accident, and she does not ask for the policy limit in her petition. Defendant does not attach any settlement demands or discovery responses demonstrating that the amount in controversy will likely exceed the jurisdictional minimum.

Based upon the state court petition, it appeared that defendant had not met its burden of demonstrating that the jurisdictional minimum was satisfied in this case. Therefore, I issued an Order for defendant to show cause why this case should not be remanded for lack of subject-matter jurisdiction. In response, defendant merely argues that plaintiff could obtain damages in excess of \$75,000 and points to her policy limit of \$500,000. However, as I have already explained, this fact is insufficient to meet defendant's burden of demonstrating that the amount in controversy is satisfied because plaintiff does not ask for her policy limits, and there is nothing in her state-court petition that would permit a factfinder to legitimately conclude that plaintiff's damages exceed \$75,000. Therefore, I must remand this matter to state court for lack of subject-matter jurisdiction.

Accordingly,

IT IS HEREBY ORDERED that this case is remanded to the Circuit Court

of the City of St. Louis, Missouri for lack of subject matter jurisdiction pursuant to
28 U.S.C. § 1447(c).



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 23rd day of October, 2012.