

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MEMORANDUM AND ORDER TO SHOW CAUSE

This newly-removed case is before me on my own review. Defendant removed this action on the basis of diversity of citizenship under 28 U.S.C. § 1332(a)(1). However, it is not apparent that the amount in controversy requirement is satisfied. According to the state court petition, plaintiff was injured in a car accident with William Simpson. She settled her claim against Simpson for \$25,000 but alleges additional damages, so she brings this action against her insurance carrier under her underinsured motorist policy. Plaintiff merely pleads that she has sustained damages in excess of the settlement amount with Simpson and prays for damages in excess of Missouri's jurisdictional minimum of \$25,000.

In support of removal, defendant claims plaintiff's claims will likely exceed the jurisdictional minimum of \$75,000 because plaintiff alleges permanent and

progressive injuries and her underinsured motorist policy has a coverage limit of \$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 appears that defendant has not met its burden of demonstrating that the jurisdictional minimum has been satisfied in this case.

Therefore,

IT IS HEREBY ORDERED that defendant will show cause in writing by **October 22, 2012** why this cause should not be remanded for lack of subject matter jurisdiction.

IT IS FURTHER ORDERED that plaintiff shall file any materials supporting remand for the Court's consideration by **October 22, 2012**.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 10th day of October, 2012.