UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CEDRIC ALLEN, Plaintiff, v. LIBERTY MUTUAL INSURANCE COMPANY, Defendant.	)	Case No. 4:15-cv-00879-AGF

MEMORANDUM AND ORDER

In this action initially filed in state court, Plaintiff Cedric Allen seeks to recover from Defendant Liberty Mutual Insurance Company damages for breach of an insurance contract. Defendant removed the case to this Court, asserting diversity jurisdiction pursuant to 28 U.S.C. § 1332(a). The parties now jointly move to remand the case to state court, based on Plaintiff's binding stipulation, in which Plaintiff stipulates that his damages do not exceed $75,000. (Doc. No. 14-1.)

"Allowing a plaintiff to unequivocally establish his . . . damages as no greater than $75,000 through use of an affidavit (or other binding declaration) is entirely consistent with the congressional purpose underlying the amount-in-controversy requirement, that is, to keep the diversity caseload of the federal courts under some modicum of control." *Walsh v. J.B. Hunt Transp., Inc.*, 20 F. Supp. 2d 1300, 1301 (E.D. Mo. 1998) (citation omitted). In this case, the proffered stipulation indicates that the value of the claim at the

time of removal did not exceed the jurisdictional minimum, such that the amount in controversy on the face of the complaint is ambiguous at best. *See Halsne v. Liberty Mut. Grp*., 40 F. Supp. 2d 1087, 1092 (N.D. Iowa 1999). "In these circumstances, the stipulation serves to clarify rather than amend the pleadings," and the Court may find on the basis of the stipulation that jurisdiction never attached. *Id.*

Upon review of the record, and based upon Plaintiff's binding stipulation, the Court finds that the amount in controversy does not exceed $75,000, and as a result, jurisdiction was lacking at the time of removal.

Accordingly,

IT IS HEREBY ORDERED that the parties' joint motion to remand is **GRANTED**. (Doc. No. 14.)

IT IS FURTHER ORDERED that this matter is **REMANDED** to the Circuit Court of the City of St. Louis, Missouri, in which it was filed.

Audrey G. Fleissig

AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 20th day of October, 2015.