

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JOHN CHICKEY, et al.,)
Plaintiffs,)
v.)
JAMES BRADSHAW, et al.,)
Defendants.)
No. 4:17-cv-02457-AGF

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiffs' motion (ECF No. 8) to remand this case to the state court in which it was filed. Plaintiffs argue that Defendants have not sufficiently demonstrated that the amount in controversy for diversity jurisdiction under 28 U.S.C. § 1332, is satisfied here. Defendants oppose Plaintiffs' motion, and Plaintiffs have not filed a reply within the time permitted by the Court.

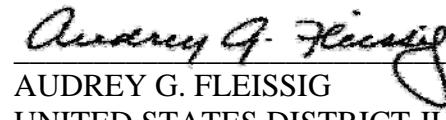
Upon careful review of the notice of removal and the state court petition, the Court finds that Defendants have adequately demonstrated that the amount in controversy exceeded the jurisdictional threshold of \$75,000. Specifically, the Court notes that Plaintiffs assert contract, fraud, and Missouri Merchandising Practices Act claims seeking damages arising out of Defendants' sale of real estate; the exhibits to Plaintiffs' petition reveal that the purchase price for the real estate was \$550,000; and Plaintiffs allege that Defendants "made material misrepresentations" regarding the condition of the real estate and that Plaintiffs have suffered damages including basement flooding "in excess of ten times" and certain areas of the property being "intolerable to occupy in both cold and warm weather." ECF No. 4 at 3-5 & ECF No. 4-1

at 23. These allegations, in conjunction with Plaintiffs' requests for punitive damages and attorneys' fees, are sufficient to meet Defendants' burden of proof on the amount in controversy.

Accordingly,

IT IS HEREBY ORDERED that that Plaintiffs' motion to remand is **DENIED**. ECF No. 8.

The Court will set a Rule 16 conference by separate order.


Audrey G. Fleissig
AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 28th day of November, 2017.