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seeking remand, Mitchell avers that she obtained employment in a similar field beginning May 6, 2024, thereby limiting the period for potential backpay to about eight months. Mitchell contends that this mitigation of damages brings the amount in controversy below \$75,000. I agree that evidence of mitigation is relevant to determining the amount in controversy, *see Fenlon v. Burch*, No. 4:15-CV-00185 JCH, 2015 WL 928558, at *3 (E.D. Mo. Mar. 4, 2015), but other than stating that she has obtained employment in a similar field, Mitchell provides no evidence regarding the amount(s) earned in mitigation. Because the level of earnings is relevant to Mitchell's potential recovery in this action and to my determination of subject-matter jurisdiction, I will order Mitchell to supplement the record with evidence of her earnings. *Cf. Clark v. Matthews Int'l Corp.*, 639 F.3d 391, 396-97 (8th Cir. 2011) (record unclear as to dates worked and amounts earned in other employment); *Caldwell v. General Motors, LLC*, No. 4:18-CV-01636 JAR, 2018 WL 6696624, at *3 (E.D. Mo. Dec. 20, 2018) (plaintiff submitted earning statement from new employment); *Fenlon*, 2015 WL 928558, at *4 (plaintiff provided no amount to aid calculation of mitigated damages).

Accordingly,

IT IS HEREBY ORDERED that **within ten (10) days of the date of this Order**, plaintiff Jeannine Mitchell shall supplement the record with evidence of her mitigating employment, including her earnings and whether such employment

is part-time, full-time, and/or temporary.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 14th day of May, 2024.