

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CYNTHIA L. HOSSACK,

Plaintiff,

vs.

CSG SYSTEMS, INC., a Delaware
Corporation, authorized to do business in
Nebraska;

Defendant.

8:13CV3178

ORDER

This case was removed to this court on October 16, 2013 on the basis of diversity jurisdiction, (Filing No. 1). Defendant asserted that complete diversity of citizenship exists between the parties. Further, it argues the amount in controversy is met.

The amount in controversy, exclusive of interest and costs, exceeds \$75,000. Plaintiff alleges she “has lost wages which total \$38,270.00 and lost benefits and expense[s] which total in excess of \$5,000.00 and said losses continue to accrue.” Exhibit A, Complaint ¶ 6. Plaintiff also claims she “has lost other fringe benefits and has incurred expenses and continues to incur expenses.” Id. In addition, Plaintiff requests attorneys’ fees and other relief. Exhibit A, Complaint at p. 5. A fact-finder could legally conclude that, if successful, Plaintiff’s damages, including attorneys’ fees, exceed \$75,000. the Plaintiff did not oppose the removal.

Filing No. 1, ¶ 7 at CM/ECF p. 2

“[W]hen the record indicates jurisdiction may be lacking, [the court] must consider the jurisdictional issue sua sponte.” Bilello v. Kum & Go, LLC, 374 F.3d 656, 659 (8th Cir. 2004). The party seeking to invoke federal jurisdiction “must prove the requisite amount by a preponderance of the evidence.” James Neff Kramper Family Farm Partnership v. IBP, Inc., 393 F.3d 828, 831 (8th Cir. 2005).

The court questions whether the amount in controversy required to establish diversity jurisdiction was met at the time of removal. And, thus, the court questions whether federal court is the appropriate forum for this case.

Accordingly, IT IS ORDERED that on or before March 28, 2014, Defendant shall submit a brief on the issue of whether the amount in controversy requirement was met at the time this case was removed from state court. Any response by Plaintiff must be filed by April 9, 2014. No reply brief will be authorized absent leave of the court for good cause shown.

Dated this 14th day of March, 2014.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge

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