

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

KENNETH VENTRELLA, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 TRUMP RUFFIN TOWER I, LLC dba )  
 TRUMP INTERNATIONAL HOTEL LAS )  
 VEGAS; DOES I through XX, inclusive and )  
 ROE BUSINESS ENTITIES I through XX, )  
 inclusive, )  
 )  
 Defendants. )

2:12-CV-01450-LRH-CWH

ORDER

Before the court is Defendant Trump Ruffin Tower I, LLC's ("Defendant") Supplement to its Statement in Removal. Doc. #12.<sup>1</sup>

Plaintiff Kenneth Ventrella ("Plaintiff") initiated the present action against defendants on May 18, 2012, in the Eighth Judicial District Court for Clark County, Nevada. On August 15, 2012, Defendant Trump Ruffin Tower I, LLC removed this action to federal court on the basis of diversity jurisdiction. Doc. #1.

On August 22, 2012, the court reviewed the removal petition and held that it was not clear from the complaint that the amount in controversy had been met. Doc. #11. The court granted

---

<sup>1</sup>Refers to the court's docket

1 defendant twenty days to establish the amount in controversy by submitting summary judgment  
2 type evidence to the court. *Id.* Thereafter, Defendant filed a supplement to its petition for removal.  
3 Doc. #12.

4 The court has reviewed Defendant's supplement for removal and finds that Defendant has  
5 established that the amount in controversy has been met.

6 Where, as here, it is not facially evident from the face of the complaint that the amount in  
7 controversy exceeds \$75,000, "the removing defendant bears the burden of establishing, by a  
8 preponderance of the evidence, that the amount in controversy exceeds \$[75],000." *Sanchez v.*  
9 *Monumental Life Ins. Co.*, 102 F.3d 398, 404 (9th Cir. 1996). Here, Defendant contends that the  
10 amount in controversy requirement is met because Plaintiff claims to have sustained injuries  
11 requiring pain management treatment, and medical specials in the amount of 32,050.48. Further,  
12 Plaintiff's counsel has made a \$100,000 settlement demand against Defendant. *See* Doc. #12. A  
13 plaintiff's statement of damages after the filing of the complaint is relevant evidence establishing  
14 the amount in controversy. *See Cohen v. Petsmart, Inc.*, 281 F.3d 837, 840 (9th Cir. 2002).  
15 Therefore, the court finds that defendants have proffered sufficient evidence establishing an amount  
16 in controversy greater than \$75,000. Accordingly, the court shall accept Defendant's removal of  
17 this action and exercise diversity jurisdiction over the complaint.

18  
19 IT IS SO ORDERED.

20 DATED this 5th day of October, 2012.



21  
22  
23 LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE  
24  
25  
26