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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

STEVEN O'FARRELL,

Plaintiff,

v.

GENERAL INSURANCE COMPANY OF
AMERICA, a Washington Corporation;
AMERICAN STATES INSURANCE
COMPANY, an Indiana Corporation; ABC
CORPORATIONS I-X; BLACK AND
WHITE COMPANIES I-X; and JOHN
DOES I-X, inclusive,

Defendants.

Case No. 3:18-cv-00077-LRH-VPC
ORDER

Before the court is defendants General Insurance Company of America and American States Insurance Company's ("Defendants") Response to Court's February 22, 2018 Order. ECF No. 11.

Plaintiff Steven O'Farrell initiated the present action against Defendants on December 21, 2017, in the Second Judicial District Court for Washoe County, Nevada. On February 20, 2018, Defendants removed this action to federal court on the basis of diversity jurisdiction. ECF No. 1.

On February 22, 2018, the court reviewed the removal petition and held that it was not clear from the complaint that the amount in controversy had been met. ECF No. 5. The court granted Defendants twenty days to establish the amount in controversy

1 by submitting summary judgment type evidence to the court. Id. Thereafter, Defendants
2 filed a supplement to their petition for removal. ECF No. 11.

3 The court has reviewed Defendants' supplement for removal and finds that
4 Defendants have established that the amount in controversy has been met.

5 Where, as here, it is not facially evident from the face of the complaint that the
6 amount in controversy exceeds \$75,000, "the removing defendant bears the burden of
7 establishing, by a preponderance of the evidence, that the amount in controversy
8 exceeds \$[75],000." *Sanchez v. Monumental Life Ins. Co.*, 102 F.3d 398, 404 (9th Cir.
9 1996). Here, Defendants contend that the amount in controversy requirement is met
10 because Plaintiff's medical records total \$356,492.45 as of February 26, 2018. In
11 addition, Plaintiff is still being treated for the injuries alleged in his Complaint, and he will
12 also be making a wage loss claim. See ECF No. 11-1. A plaintiff's statement of
13 damages after the filing of the complaint is relevant evidence establishing the amount in
14 controversy. See *Cohen v. Petsmart, Inc.*, 281 F.3d 837, 840 (9th Cir. 2002). Therefore,
15 the court finds that Defendants have proffered sufficient evidence establishing an
16 amount in controversy greater than \$75,000. Accordingly, the court shall accept
17 Defendants' removal of this action and exercise diversity jurisdiction over the complaint.

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19 IT IS SO ORDERED.

20 DATED this 14th day of March, 2018.

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23 LARRY R. HICKS
24 UNITED STATES DISTRICT JUDGE
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