

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

MYRIAM LEDEE, *et al.*,

Plaintiffs,

v.

FELIPE EXPRESS, *et al.*,

Defendants.

Civil Action No. 15-7075 (FLW)

ORDER

THIS MATTER having been opened to the Court by the Magistrate Judge’s Report and Recommendation, dated August 3, 2021, recommending that the Motion for Remand filed by Plaintiffs Perfecto Hernandez and Lucia Hernandez (“Plaintiffs”) be denied; it appearing that in support of their motion, Plaintiffs argued that the amount in controversy cannot be met and, therefore, the Court lacks subject matter jurisdiction; it appearing, more specifically, that Plaintiffs argued that as a result of the adjudication of certain claims by and against 21st Century Centennial Insurance Company (“21st Century”), any potential recovery by Plaintiffs can no longer meet the \$75,000 threshold; it further appearing that the Magistrate Judge correctly found, however, that notwithstanding the adjudication of claims by and against 21st Century a court evaluates the amount in controversy as of “the time that the complaint was filed,” *Auto-Owners Ins. Co. v. Stevens & Ricci Inc.*, 835 F.3d 388, 395 (3d Cir. 2016), or, in the case of removal, “as of the date of removal,” *Meritcare Inc. v. St. Paul Mercury Ins. Co.*, 166 F.3d 214 (3d Cir. 1999) (*abrogated on other grounds, Exxon Mobil Corp. v. Allapattah Services, Inc.*, 545 U.S. 546 (2005)); and therefore, it has been long-established that “events occurring subsequent to removal which reduce the amount recoverable ... do not oust the district court’s jurisdiction,” *St. Paul Mercury Indem.*

Co. v. Red Cab Co., 303 U.S. 283, 293 (1938); accordingly, for the reasons set forth in the Magistrate Judge's Report and Recommendation,

IT IS on this 17th day of August, 2021,

ORDERED that the Magistrate Judge's Report and Recommendation dated August 3, 2021, is hereby **ADOPTED**, because the Court has not been divested of its jurisdiction to adjudicate this case; and it is further

ORDERED that the Motion for Remand filed by Plaintiffs Perfecto Hernandez and Lucia Hernandez be denied.

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/s/ Freda L. Wolfson
Hon. Freda L. Wolfson
U.S. Chief District Judge