

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

DWC COMPANY, INC., :  
 :  
Plaintiff : Civil Action 2:08-cv-718  
 :  
v. : Judge Sargus  
 :  
CSX TRANSPORTATION, INC., : Magistrate Judge Abel  
 :  
Defendant :


**ORDER**

This action was originally filed in the Franklin County Municipal Court, and was removed to this court on July 23, 2008. (Doc. 2.) Plaintiff DWC Company (“DWC”) brought claims under 49 U.S.C. §14706, called the “Carmack Amendment”, and seeking \$9,355.11 in damages. On August 21, 2008, DWC filed a motion to remand this case, claiming that, under the Carmack Amendment, the jurisdictional threshold is \$10,000. (Doc. 7.) Defendant CSX Transportation Inc. (“CSX”) argued in response that the real amount in controversy, as evidenced by DWC’s settlement demands, is \$15,000, and thus the threshold is satisfied.

In his Report and Recommendation of December 1, 2008, the Magistrate Judge found that the actual amount in controversy was more than \$10,000, that the action was properly removed, and that the motion to remand should be denied. (Doc. 20.) No party has filed objections to the Magistrate Judge’s report and

recommendation.

Upon *de novo* review, as provided for by 28 U.S.C. §636(b)(1) and Fed. R. Civ. Pro. 72(b)(3), I find that the Magistrate Judge was correct in his determination that remanding this case would be improper, and that the jurisdictional threshold for bringing a claim under the Carmack Amendment has been met in this case. I therefore **ADOPT** the Report and Recommendation (Doc. 20). Plaintiff's Motion to Remand (Doc. 11.) is **DENIED**.

 1-20-2009  
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United States District Judge