

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MICHAEL MEHALICH,
Plaintiff,

v

FEDEX FREIGHT INC.
a corporation, and **VINCENT E. MCCUE,**
Defendants.

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ORDER OF COURT

AND NOW, this 21st day of August, 2014, upon consideration of: (1) Plaintiff's Complaint in a civil action filed in the Court of Common Plea of Allegheny County in which Plaintiff pleads damages for personal injuries in excess of \$35,000.00; (2) Defendants' Notice of Removal to this Court in which it contends that there is diversity of citizenship and that due to the personal injuries allegedly sustained by Plaintiff the value of his claims exceed the federal jurisdictional amount of \$75,000.00; (3) Defendants' Answer, which contests every aspect of Plaintiff's injuries and damages; (4) the Court's Case Management Conference today, at which it was revealed that the settlement discussions among counsel for the parties reflect a demand from Plaintiff and offer from Defendant which are both far below the jurisdictional amount necessary to justify federal diversity jurisdiction; and (5) 28 U.S.C. §§ 1446(c) (regarding the amount in controversy) and 1447 (regarding remand to the state court):

NOW, THEREFORE, the Court concludes that it lacks subject-matter jurisdiction over this case; Defendant's Notice of Removal is **DENIED**; and this case is **REMANDED** to the Court of Common Pleas of Allegheny County forthwith.

The clerk of Court shall docket this case closed.

BY THE COURT:

s/Terrence F. McVerry
United States District Judge

cc: **Christopher S. Hallock, Esquire**

Email: cs@caputa.com

John A. Caputo, Esquire

Email: ginny@jcaputo.com

James A. Wescoe, Esquire

Email: jwescoe@wglaw.com

Matthew R. Zwick, Esquire

Email: mzwick@wglaw.com