

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHWESTERN DIVISION

JOHN R. BENN,

*

Plaintiff,

*

v.

*

Case Number: CV-02-B-1292-NW

ROBERT NOVAK, et al.,

*

Defendants.

*

MOTION TO REMAND TO STATE COURT

Comes now the Plaintiff in the above-referenced case and, pursuant to 28 U.S.C. 1447(c), moves this Court to remand the case to the Circuit Court of Colbert County, Alabama. In support of said Motion, Plaintiff would state as follows:

1. Paragraph C of the Prayer For Relief in Plaintiff's State court lawsuit claims \$70,000.00 as damages.
2. That under 28 U.S.C. 1332 this Court only has diversity jurisdiction if the matter in controversy exceeds the sum of \$75,000.00.
3. The matter in controversy in Plaintiff's State court lawsuit is less than \$75,000.00.

Wherefore, Plaintiff prays that this Court will remand the case to the Circuit Court of Colbert County, Alabama.

Date

John R. Benn BEN009/ASB-0868-B23J
Pro se
104 West Third Street
Sheffield, AL 35660
256-386-7685

CERTIFICATE OF SERVICE

I, the undersigned attorney, do hereby certify that, prior to or immediately after filing the foregoing with the Court, I mailed U.S. Mail, postage prepaid, or delivered by hand a copy to:

Mr. Robert Novak
1550 Sunrise Highway
Copaigue, New York 11726

Mr. Jack Nolan
3016 Chestnut Avenue
Medford, NY 11763

Date: _____

John R. Benn