

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

HANDS ON CHIROPRACTIC PL,

Plaintiff,

v.

Case No. 6:18-cv-192-Orl-37DCI

PROGRESSIVE SELECT INSURANCE
COMPANY,

Defendant.

ORDER

In the instant action, Plaintiff filed an amended complaint asserting a class action claim against Defendant for declaratory relief and damages in state court. (Doc. 2.) Defendant then filed a notice of removal, invoking diversity jurisdiction under the Class Action Fairness Act, 28 U.S.C. §§ 1332(d), 1453 and 28 U.S.C. §§ 1441 and 1446. (Doc. 1. (“**Notice**”).) Plaintiff then moved to remand this action back to state court, contending that Defendant’s allegations concerning the amount-in-controversy (“**AIC**”) were deficient. (Doc. 7 (“**Motion**”).) On referral, U.S. Magistrate Judge Daniel C. Irick finds that Defendant met its burden of proving the AIC by a preponderance of the evidence, and he recommends denying the Motion. (Doc. 25 (“**R&R**”).)

No party objected to the R&R, and the time for doing so has now passed. Absent objections, the Court has examined the R&R only for clear error. *See Wiand v. Wells Fargo Bank, N.A.*, No. 8:12-cv-557-T-27EAJ, 2016 WL 355490, at *1 (M.D. Fla. Jan. 28, 2016); *see also Marcort v. Prem, Inc.*, 208 F. App’x 781, 784 (11th Cir. 2006). On review, the Court

agrees with Magistrate Judge Irick's recommendation and finds that Defendant has met the AIC here, so the Court has subject matter jurisdiction. Thus, the Motion is due to be denied.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. U.S. Magistrate Judge Daniel C. Irick's Report and Recommendation (Doc. 25) is **ADOPTED, CONFIRMED**, and made a part of this Order.
2. Plaintiff's Motion for Remand (Doc. 7) is **DENIED**.

DONE AND ORDERED in Chambers in Orlando, Florida, on April 27, 2018.




ROY B. DALTON JR.
United States District Judge

Copies to:
Counsel of Record