

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

ANA LARRIEUX,

Plaintiff,

v.

Case No. 3:18-cv-861-J-32PDB

OLD DOMINION FREIGHT LINE,
INC.,

Defendant.

ORDER

This case is before the Court on Plaintiff Ana Larrieux's Amended Motion to Remand (Doc. 8), to which Defendant Old Dominion Freight Line, Inc. filed a response (Doc. 10). The Court has reviewed the motion and associated papers.

Upon review, the Court finds that Defendant has met its burden to show that the parties are of diverse citizenship and that the amount in controversy exceeds \$75,000. See Williams v. Best Buy Co., 269 F.3d 1316, 1319 (11th Cir. 2001) ("Because this case was originally filed in state court and removed to federal court by Best Buy, Best Buy bears the burden of proving that federal jurisdiction exists."). While the Court does not condone Plaintiff's failure to acknowledge her admissions that the amount in controversy exceeds \$75,000, given that the Notice of Removal (Doc. 1) left some question as to whether the amount in controversy had been met, the Court

declines to award attorneys' fees based on Plaintiff's improper filing of the motion to remand.

Accordingly, it is hereby

ORDERED:

Plaintiff Ana Larrieux's Amended Motion to Remand (Doc. 8) is **DENIED**.

DONE AND ORDERED in Jacksonville, Florida the 28th day of August, 2018.



TIMOTHY J. CORRIGAN
United States District Judge

sj

Copies:

Counsel of record