

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

THEODORE OREN, )  
)  
Plaintiff, )  
)  
v. ) Civil Action No. 04-CV-196-P-C  
)  
VERIZON COMMUNICATIONS, )  
)  
Defendant. )

**ORDER DENYING MOTION TO REMAND CASE TO STATE COURT**

Before the Court is Plaintiff's Motion to Remand Case to State Court (Docket Item No. 8). After full review of the written submissions on the Motion and the pleadings herein, the Court **FINDS** that Defendant has carried its burden to establish that the amount in controversy exceeds the jurisdictional amount of Seventy-five Thousand Dollars (\$75,000.00) and that consideration of the contents of Plaintiff's counsel's letter of September 1, 2004 for that purpose is not inappropriate. *See Doughty v. Hyster New England Inc.*, No. 04-CV-167-P-C, 2004 WL 2496713 (D. Me. Nov. 5, 2004).

The Court **FURTHER FINDS** that Plaintiff's Stipulation proposed after removal of the case to this Court as to a value of less than the jurisdictional amount does not operate to destroy diversity jurisdiction because that jurisdiction is determined on the factual predicate for it as it exists at the time of removal to this Court. *See St. Paul Mercury Indemnity Co. v. Red Cab Co.*, 303 U.S. 283 (1938).

Accordingly, it is **ORDERED** that the Motion to Remand the case to State Court be, and it is hereby **DENIED**.

/s/Gene Carter  
Gene Carter  
Senior District Court Judge

Dated at Portland, Maine this 23rd day of November, 2004.

**Plaintiff**

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**THEODORE OREN**

represented by **CURTIS WEBBER**  
LINNELL, CHOATE &  
WEBBER, LLP  
P. O. BOX 190  
AUBURN, ME 04212-0190  
784-4563  
Email: cwebber@lcwlaw.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

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**VERIZON  
COMMUNICATIONS**

represented by **MELINDA J. CATERINE**  
MOON, MOSS, MCGILL, &  
SHAPIRO, P.A.  
10 FREE STREET  
P. O. BOX 7250  
PORTLAND, ME 04112-7250  
775-6001  
Email:  
mcaterine@moonmoss.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**JONATHAN SHAPIRO**  
MOON, MOSS, MCGILL, &  
SHAPIRO, P.A.  
10 FREE STREET  
P. O. BOX 7250

PORTLAND, ME 04112-7250  
775-6001  
Email: [jshapiro@moonmoss.com](mailto:jshapiro@moonmoss.com)  
*ATTORNEY TO BE NOTICED*