



## Mosier v. Southeast Energy, LLC et al

2020 | Cited 0 times | W.D. North Carolina | April 29, 2020

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA

ASHEVILLE DIVISION 1:20 CV 54 MR WCM WILLIAM MOSIER, )

Plaintiff, )

ORDER v. )

SOUTHEAST ENERGY, LLC and ) ANNE E. DYER, )

Defendants. ) \_\_\_\_\_ ) On February 24, 2020, Defendants Southeast Energy, LLC and Anne E. in which they assert that federal subject matter jurisdiction over this matter exists pursuant to 28 U.S.C. § 1332. Doc. 1, ¶¶ 5-6. On March 4, 2020, Defendants filed a Motion to Dismiss pursuant to by contributory negligence. See Doc. 3-2, pp. 3-6. The Motion to Dismiss has

been referred to the undersigned for the entry of a Memorandum and Recommendation. an independent obligation to determine whether subject- matter jurisdiction exists, even in the absence of a challenge from any party *Arbaugh v. Y&H Corp.*, 546 U.S. 500, 514, 126 S.Ct. 1235, 163 L.Ed. 1097 (2006); see also *Ashcroft v. Iqbal*, 556 U.S. 662, 671, 129 S.Ct. 1937, 173 L.Ed. 868 (2009) -matter jurisdiction cannot be forfeited or waived and As a general rule, when subject- matter jurisdiction is challenged, the party asserting jurisdiction bears the burden of establishing it. *Luna-Reyes v. RFI Construction, LLC*, 57 F.Supp.3d 495, 499 (M.D.N.C. 2014). injuries to his person, forcing him to incur expenses for obtaining medical

causing the plaintiff to miss time from work and lose substantial income, causing the plaintiff to sustain injuries which are permanent and disfiguring in nature, and causing other losses to the plaintiff to be later proved at trial, all to the damage of the -1, ¶ 16.

The Notice states that the amount in controversy exceeds \$75,000.00, provide additional information in this regard. Doc. 1.1, ¶ 6.

Accordingly, Defendants are DIRECTED to file, by May 15, 2020, a memorandum, not to exceed five (5) pages in length, describing the basis for their contention that the amount in controversy supports



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diversity jurisdiction.

Plaintiff may file, within ten (10) a response, also not to exceed five (5) pages.

It is so ordered.

Signed: April 28, 2020

