

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CROELL REDI-MIX, INC.

ORDER

Plaintiff,

05-C-294-C

v.

JACK A. ELDER,

Defendant.

On January 30, 2006, I ordered defendant Jack A. Elder to submit evidence demonstrating that the jurisdictional amount is in controversy. Defendant responded that he is in the process of conducting discovery to ascertain the amount plaintiff claims is in controversy in this action. Plaintiff then submitted a letter to the court, stating that it did not object to the removal of the case to federal court because it did not take issue with defendant's assertion that plaintiff's damages exceed \$75,000. Accordingly, I am satisfied that the jurisdictional amount is in controversy and defendant need not submit further evidence to the court.

ORDER

IT IS ORDERED that defendant Jack A. Elder need not submit further evidence to the court that the jurisdictional amount is in controversy.

Defendant's motion for summary judgment is under advisement.

Entered this 13th day of February, 2006.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge