

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JUANITA SIMPKINS, ET AL.

v.

MICHAEL STRZALKO

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CIVIL ACTION

NO. 04-CV-3803

**SURRICK, J.**

**APRIL 4, 2005**

**MEMORANDUM & ORDER**

Presently before the Court is Defendant Michael Strzalko's Motion to Dismiss for Lack of Subject Matter Jurisdiction. (Doc. No. 8.) For the following reasons, Defendant's Motion will be granted.

**I. FACTS**

On or about February 4, 2003, Plaintiff Juanita Simpkins was driving her vehicle in Essington, Pennsylvania. (Compl. ¶ 12.) Plaintiffs Hubert Clarke, Angela Simpkins, Ta'china Chamberlain, and Kathleen Clarke were passengers in her vehicle. (*Id.* ¶¶ 13-16.) While Juanita Simpkins's car was stopped in traffic, a vehicle driven by Defendant Michael Strzalko struck Plaintiffs' car from behind. (*Id.* ¶¶ 18-19.) As a result of the impact, Plaintiffs suffered various injuries. (*Id.* ¶¶ 23, 26, 29, 30, 33.) Plaintiffs filed the Complaint in this action on August 11, 2004. On February 23, 2005, just prior to the Initial Pretrial Conference, Plaintiffs filed a Supplemental Joint Case Report (Doc. No. 9), which sets forth the damages suffered by each Plaintiff as follows: (1) Juanita Simpkins alleges \$20,000 in damages; (2) Angela Simpkins alleges \$12,000 in damages; (3) Ta'china Chamberlain alleges \$5,000 in damages; (4) Hubert

Clarke alleges \$50,000 in damages; and (5) Kathleen Clarke alleges \$22,500 in damages. (Doc. No. 9.)

## II. DISCUSSION

Defendant asks this Court to dismiss Plaintiffs' Complaint for lack of subject matter jurisdiction. (Doc. No. 8.) Under Federal Rule of Civil Procedure 12(b)(1), a court must grant a motion to dismiss if it lacks subject matter jurisdiction over the case. Fed. R. Civ. P. 12(b)(1). The person asserting that jurisdiction is proper bears the burden of showing that jurisdiction exists. *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994); *Packard v. Provident Nat'l Bank*, 994 F.2d 1039, 1045 (3d Cir. 1993); *Graham v. United States*, Civ. A. No. 97-1590, 2002 U.S. Dist. LEXIS 1765, at \*4 (E.D. Pa. Feb. 5, 2002). In reviewing the merits of a Rule 12(b)(1) motion, a district court may consider evidence that is outside the pleadings. *Graham*, 2002 U.S. Dist. LEXIS 1765, at \*4.

District courts have subject matter jurisdiction over all civil actions between citizens of different states where the matter in controversy exceeds \$75,000. 28 U.S.C. § 1332(a) (2000). Section 1332(a) "must be narrowly construed so as not to frustrate the congressional purpose behind it: to keep the diversity caseload of the federal courts under some modicum of control." *Packard*, 994 F.2d at 1044-45; *see also Snyder v. Harris*, 394 U.S. 332, 339-40 (1969). In evaluating whether the amount in controversy requirement is satisfied, a district court may not aggregate the separate and distinct claims of several plaintiffs. As the Third Circuit has explained:

The rule is long-standing and seemingly well settled . . . that the claims of several plaintiffs, if they are separate and distinct, cannot be aggregated for purposes of determining the amount in controversy. The rule applies even if the plaintiffs have

a community of interest, but fall short of establishing a single title or right in which they have a common and undivided interest.

*Meritcare, Inc. v. St. Paul Mercury Ins. Co.*, 166 F.3d 214, 218 (3d Cir. 1999) (internal quotation and citation omitted); *see also Ipjian v. Conaway*, Civ. A. No. 02-CV-2117, 2003 U.S. Dist. LEXIS 4759, at \*4 (M.D. Pa. Feb. 13, 2003) (remanding matter to state court because none of plaintiffs' claims exceeded \$75,000); *Ortega v. Star Kist Foods, Inc.*, 213 F. Supp. 2d 84, 86-87, 95 (D.P.R. 2002) (dismissing complaint because none of the four plaintiffs alleged damages exceeding \$75,000); 15 James Wm. Moore et al., *Moore's Federal Practice* § 102.108 (3d ed. 2004).

A district court may dismiss a complaint for a plaintiff's failure to satisfy the amount in controversy requirement "if it 'appears to a legal certainty that the claim is really for less than the jurisdictional amount.'" *Alexis v. Int'l Harvester, Inc.*, Civ. A. No. 03-CV-2227, 2003 U.S. Dist. LEXIS 15671, at \*15 (E.D. Pa. July 28, 2003) (quoting *St. Paul Mercury Indem. Co. v. Red Cab Co.*, 303 U.S. 283, 289 (1938)); *see also Nelson v. Keefer*, 451 F.2d 289, 293 (3d Cir. 1971); *McDonald v. Landrum*, 48 F. Supp. 2d 450, 452 (D. Del. 1999) (dismissing complaint because none of the three plaintiffs alleged damages exceeding \$75,000). Here, it appears to a legal certainty that Plaintiffs' claims are, in fact, less than \$75,000. In Plaintiffs' Supplemental Joint Case Report, each Plaintiff states a value for his or her claim that is less than the jurisdictional amount: (1) Juanita Simpkins alleges \$20,000 in damages; (2) Angela Simpkins alleges \$12,000 in damages; (3) Ta'china Chamberlain alleges \$5,000 in damages; (4) Hubert Clarke alleges \$50,000 in damages; and (5) Kathleen Clarke alleges \$22,500 in damages. (Doc. No. 9.) Because district courts must strictly construe the amount in controversy requirement, we give

great weight to Plaintiffs' valuation of their individual cases. Under the circumstances, Plaintiffs have not met the amount in controversy requirement. Accordingly, Plaintiffs' Complaint will be dismissed.

An appropriate Order follows.

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MICHAEL STRZALKO	:	

**ORDER**

AND NOW, this 4th day of April, 2005, upon consideration of Defendant's Motion to Dismiss for Lack of Subject Matter Jurisdiction (Doc. No. 8, 04-CV-3803), and all papers submitted in support thereof and in opposition thereto, it is ORDERED that the Motion is GRANTED and that Plaintiffs' Complaint is DISMISSED.

IT IS SO ORDERED.

BY THE COURT:

S:/R. Barclay Surrick, Judge