

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

SCOTT STEIN, INTELLECTUAL	:	
PROPERTY RISK RESOURCES, INC.,	:	
and INTELLECTUAL PROPERTY	:	
PARTNERS, INC.	:	
	:	
Plaintiffs	:	CIVIL ACTION
	:	
v.	:	
	:	
VENTURE PROGRAMS, INC., PHILIP J.	:	
HARVEY, TARA HARVEY BRAMWELL,:	:	
and THE HARVEY FAMILY	:	
PARTNERSHIP	:	
	:	
Defendants	:	NO. 04-CIV-02255
	:	

MEMORANDUM

Defendants filed this motion to dismiss for lack of subject matter jurisdiction, alleging that Plaintiffs’ complaint does not satisfy the amount in controversy requirement set forth in 28 U.S. C. § 1332(a). I will deny Defendant’s motion.

In order to dismiss a claim for failure to satisfy the jurisdictional amount, the court must consider the availability of both actual and punitive damages, Bell v. Preferred Life Assurance Soc’y, 320 U.S. 238, 240 (1943), and “[i]t must appear to a legal certainty that the claim is really for less than the jurisdictional amount....” St. Paul Mercury Indemnity Co. v. Red Cab Co., 303 U.S. 283 (1938). As indicated at the Rule 16 conference held on November 23, 2004, the court has serious concerns about the value of the claims in this case. However, due to the breadth and nature of the claims, the court is unable to find to a “legal certainty” that the jurisdictional amount is not met at this time, and therefore, will deny Defendants’ motion to dismiss.

This order, however, does not preclude further consideration of this issue at a later date. See Zelford v. Thomford, 412 F.2d 56, 58 (3d Cir. 1969) (“Jurisdictional objections which may be raised at any time by the parties, or by the court *sua sponte* relate to subject matter jurisdiction.”) (citations omitted). The scheduling order in this case provides that discovery shall be completed on or before March 15, 2005. (Docket No. 25). The court expects the parties to adhere to the schedule and anticipates that the information necessary to evaluate whether the jurisdictional amount has been met will be available upon the close of discovery.

An appropriate order follows.

