



Burr Alert: Judge Neil Gorsuch Lightens the Burden for Proving "Amount in Controversy" for Federal Jurisdiction

Articles / Publications
03.06.2017

When is a postage stamp like a lottery ticket? When purchased from Stamps.com according to one of its customers. Elizabeth Hammond of New Mexico filed a class action, seeking to recover the sum of \$31.98 each on behalf of approximately 300,000 customers.

The issue for Judge Neil Gorsuch's Tenth Circuit panel: Can all those small claims tally up to the baseline \$5 million "amount in controversy" required to trigger federal jurisdiction under the Class Action Fairness Act?

Yes, he answered, giving defendants an easier burden of proof to meet the "amount in controversy" under a rationale that can be applied equally to both class and individual claims. *Hammond v. Stamps.com*, 844 F.3d 909 (10th Cir. December 20, 2016).

I deal with this issue all the time, typically asking a federal court to hear a case on behalf of an out-of-state defendant who has filed a Notice of Removal. The federal judge, having limited jurisdiction, wants me to convince him or her that the stakes are worth at least \$75,000.

Download the full article, "Burr Alert: Judge Neil Gorsuch Lightens the Burden for Proving "Amount in Controversy" for Federal Jurisdiction" by Forrest S. Latta.

RELATED PROFESSIONALS

Forrest S. Latta