

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION**

DR. TIMOTHY L. RASNIC,)	
)	
Plaintiff,)	Case No. 2:07CV00017
)	
v.)	OPINION AND ORDER
)	
MERIAL LIMITED,)	By: James P. Jones
)	Chief United States District Judge
Defendant.)	

Thomas L. Rasnic, Thomas L. Rasnic & Associates, P.C., Jonesville, Virginia, for Plaintiff; Daniel T. Campbell, Bethany M. Wimsatt, Crowell & Moring LLP, Washington, D.C., and Gregory D. Habeeb and Jennifer R. Belcher, Gentry Locke Rakes & Moore, Roanoke, Virginia, for Defendant.

In his Complaint, initially filed in state court, the plaintiff alleges that he is a veterinarian engaged in practice in Scott County, Virginia; that he has had a long-standing relationship with the defendant, a distributor of veterinary medicines, having sold an average of \$60,000 to \$80,000 per month of the defendant's products on the Internet since August of 2005; that beginning in August of 2006, the defendant refused to sell him further products; and that this refusal is in violation of Virginia law. The plaintiff seeks an injunction against the defendant restraining it from refusing to sell to him.

The defendant answered the Complaint and timely removed the action to this court, based on diversity of citizenship and amount in controversy. *See* 28 U.S.C.A.

§ 1332(a) (West 2006). The plaintiff has filed a Motion to Remand, contending that the amount in controversy does not exceed \$75,000. According to the plaintiff, “There is no specific request for damages [in the Complaint] and, assuming that the injunctive relief is awarded, there would probably be no damages.” (Pl.’s Br. 2.) The motion has been briefed and is ripe for decision.¹

“In actions seeking declaratory or injunctive relief, it is well established that the amount in controversy is measured by the value of the object of the litigation.” *Hunt v. Wash. State Apple Adver. Comm’n*, 432 U.S. 333, 347 (1977). This amount is measured by the value to either party. *Dixon v. Edwards*, 290 F.3d 699, 710 (4th Cir. 2002).

Based on the record before me, it does not appear to a legal certainty that the claim set forth in the Complaint is worth less than the required jurisdictional threshold. *See St. Paul Mercury Indem. Co. v. Red Cab Co.*, 303 U.S. 283, 289 (1938).

For the reasons stated, it is **ORDERED** that the Motion to Remand is **DENIED**.

¹ I will dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not significantly aid the decisional process.

ENTER: May 8, 2007

/s/ JAMES P. JONES
Chief United States District Judge