

information on June 6, 2013 when the homeowners filed their complaint, the court said. Accordingly, it ruled, even if the homeowners' response to State Farm's request for admission did provide some information regarding the amount in controversy, service of this response was not when State Farm "first ascertained" that the homeowners' claims could exceed \$75,000.

The case is *Minissale v. State Farm Fire & Casualty Co.*, No. 13-5912 (E.D. Pa. Dec. 20, 2013).

### **FC&S Legal Comment**

Federal courts in Pennsylvania have interpreted the phrase "other paper" widely to include requests for admission, *Broderick v. Dellasandro*, 859 F.Supp. 176 (E.D.Pa.1994), correspondence between counsel, *Efford v. Milam*, 368 F.Supp.2d 380 (E.D.Pa.2005), answers to interrogatories, *Cabibbo v. Einstein/Noah Bagel Partners, L.P.*, 181 F.Supp.2d 428 (E.D.Pa.2002), and a demand letter from the plaintiffs' attorney, *White v. Gould*, No. 91-6531 (E.D.Pa. Jan. 9, 1992) (finding a demand letter from the plaintiffs' attorney was "other paper"). *But see Sfirakis v. Allstate Insurance Company*, No. 91-3092 (E.D.Pa. July 24, 1991) (finding a demand letter for \$300,000 to settle a complaint seeking damages not in excess of \$20,000 was not such "other paper" because it was "nothing more than posturing by counsel seeking to stake out a position for settlement purposes").

A few unreported cases have found a plaintiff's refusal to deny that the amount in controversy exceeded \$75,000 was "other paper" triggering the 30 days to file notice of removal. *See Brown v. Modell's PA II, Inc.*, No. 08-1528 (E.D.Pa. July 1, 2008) ("Plaintiffs' admission that there was an excess of \$75,000 in controversy, through their failure to deny the request for admissions by February 29, 2008, gave defendant actual notice that the amount in controversy requirement was met and the case was removable."); *Bishop v. Sam's E., Inc.*, No. 08-4550 (E.D. Pa. June 23, 2009) (agreeing "plaintiff's failure to deny the request for admission gave the defendant notice of an amount in controversy in excess of \$75,000, triggering the removal period.").

One might wonder, however, how a refusal to provide information can be "information relating to the amount in controversy." *See TJS Brokerage & Co. v. CRST, Inc.*, 958 F.Supp. 220 (E.D.Pa.1997) (remanding because a refusal to stipulate the amount in controversy was less than \$75,000 did not prove the jurisdictional amount).