

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
WEST VIRGINIA, BLUEFIELD DIVISION

Shirley Mae Graham v. Montecorp LLC, et al.

Graham · No. 1:25-00300 · Decided February 2, 2026

SUMMARY

The court explains its denial of defendants’ motion to dismiss for lack of subject-matter jurisdiction in a personal-injury action arising from a motor vehicle accident. Applying the legal-certainty standard for diversity jurisdiction, the court holds that the plaintiff’s good-faith demand for more than \$75,000 satisfies the amount-in-controversy requirement.

CASE DETAILS

COURT	United States District Court for the Southern District of West Virginia, Bluefield Division
WRITING FOR THE COURT	David A. Faber
JURISDICTION	United States District Court for the Southern District of West Virginia, Bluefield Division
DECIDED	February 2, 2026
DOCKET	1:25-00300
DISPOSITION	other
PROCEDURAL POSTURE	Defendants Montecorp LLC and Eriberto E. Rico moved to dismiss the personal-injury complaint for lack of subject-matter jurisdiction, arguing that the amount in controversy did not exceed \$75,000. The court denied the motion.
STANDARD OF REVIEW	On a motion challenging the amount in controversy, the court determines the amount from the complaint unless it is shown to a legal certainty that the plaintiff cannot recover the amount claimed or did not assert it in good faith. The plaintiff’s good-faith allegation is accepted unless legal impossibility of recovery virtually negates it, and defendants bear a heavy burden.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion; persuasive value only

TOPICS

subject matter jurisdiction

motions to dismiss

personal injury

negligence

civil procedure

PRACTICE AREAS

civil procedure

personal injury

negligence

QUESTIONS PRESENTED

1. Whether the amount-in-controversy requirement for diversity jurisdiction was satisfied when the complaint alleged in good faith that damages exceeded \$75,000 and sought compensatory, punitive, and other damages, despite a pre-suit letter identifying \$12,597.40 in special damages.
2. Whether the defendants established to a legal certainty that Graham could not recover more than \$75,000.

HOLDINGS

1. The amount in controversy was satisfied because Graham's complaint alleged in good faith that her damages exceeded \$75,000 and sought damages that could exceed that amount.
2. Defendants did not show to a legal certainty that Graham could not recover more than \$75,000, so dismissal for lack of subject-matter jurisdiction was unwarranted.

KEY QUOTATIONS

“Dismissal for failure to meet the amount in controversy is therefore appropriate only where the court determines to a legal certainty that the plaintiff cannot recover the amount it seeks or seeks an amount that the plaintiff is not entitled to for the purpose of establishing jurisdiction.” (at 3)

“Under such circumstances, the court is directed to accept a plaintiff’s claim for damages to determine the amount in controversy.” (at 7)

“Therefore, because defendants have not shown to a legal certainty that plaintiff cannot recover greater than \$75,000 in damages, the amount in controversy is satisfied and this court has jurisdiction over this case.” (at 8)

FACTUAL BACKGROUND

The action arises from a May 20, 2023 motor-vehicle collision in Mercer County, West Virginia, in which a tractor-trailer driven by Eriberto E. Rico collided with Shirley Mae Graham's vehicle. Graham alleged that Rico was acting within the course and scope of his employment or agency with Montecorp LLC and that she suffered severe bodily injuries, including medical expenses, lost wages, loss of earning capacity, pain and suffering, physical limitations, and diminished enjoyment of life. Her complaint sought compensatory and punitive damages, interest, fees, costs, and other relief, and alleged that the amount in controversy exceeded \$75,000.

PROCEDURAL HISTORY

Graham filed a diversity personal-injury action in the Southern District of West Virginia against Rico, Montecorp LLC, and Montenegro Freight Services LLC. Montecorp and Rico moved to dismiss, relying

primarily on a pre-suit settlement-demand letter showing \$12,597.40 in special damages. The court entered an order denying the motion on January 26, 2026, and issued this memorandum opinion explaining that decision.

DISPOSITION

other

CASES CITED

- Choice Hotels Intern., Inc. v. Shiv Hospitality, LLC, 491 F.3d 171, 176 (4th Cir. 2007)
- Horton v. Liberty Mut. Ins. Co., 367 U.S. 348, 353 (1961)
- JTH Tax, Inc. v. Frashier, 624 F.3d 635, 638 (4th Cir. 2010)
- St. Paul Mercury Indem. Co. v. Red Cab Co., 303 U.S. 283, 288-90, 292 (1938)
- Smithers v. Smith, 204 U.S. 632, 643 (1907)
- Ministry of Defence of the State of Kuwait v. Naffa, 105 F.4th 154, 159-61 (4th Cir. 2024)
- Conley v. Schindler Elevator Corp., CIVIL ACTION NO. 3:25-0464, 2025 WL 2736923, at *2 (S.D.W. Va. Sept. 25, 2025)
- Patton v. Wal-Mart Stores, Inc., No. Civ. A. 5:05-0655, 2005 WL 2352298, at *1-3 (S.D.W. Va. Sept. 26, 2005)
- Campbell v. Restaurants First/Neighborhood Restaurants, Inc., 303 F. Supp. 2d 797, 799 (S.D.W. Va. 2004)
- Adkins v. Ratliff, Civil Action No. 2:23-cv-00745, 2024 WL 4424370, at *4 (S.D.W. Va. Oct. 4, 2024)
- Simmons v. Village of Barboursville, Civil Action No. 3:24-0078, 2024 WL 3445493, at *5 (S.D.W. Va. July 17, 2024)
- Worldwide Ins. Network v. Moore, No. 1:17CV1044, 2019 WL 181351, at *3 (M.D.N.C. Jan. 11, 2019)