

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MISSOURI, EASTERN DIVISION**

**Midwest Container & Industrial Supply Co. v. Hub Plastics-Midwest,
LLC**

Midwest Container · No. No. 4:26-CV-00001-CMS · Decided March 11, 2026

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION MIDWEST CONTAINER &,) INDUSTRIAL SUPPLY CO.,)) Plaintiff,)) v.) No. 4:26-CV-00001-CMS) HUB PLASTICS-MIDWEST, LLC,)) Defendant.) MEMORANDUM AND ORDER This matter is before the Court on Plaintiff’s Motion to Remand to State Court, the Circuit Court of Jefferson County. (Doc. 5).

The motion is GRANTED. PROCEDURAL HISTORY On December 3, 2025, Plaintiff Midwest Container & Industrial Supply Company (“Midwest Container”) filed a petition for unlawful detainer pursuant to RSMo § 534.010 in Jefferson County Circuit Court. (Doc. 1-1 at 19).

In its petition, Midwest Container alleged that it had terminated the lease of Defendant Hub Plastics-Midwest, LLC, (“Hub Plastics-Midwest”) and “instructed” Hub Plastics-Midwest to vacate the property in question by November 21, 2025. (Doc. 1-1 at 12).

As of December 3, 2025, Midwest Container claimed, Hub Plastics-Midwest remained on the property. (Doc. 1-1 at 13). Midwest Container requested the following relief from the circuit court: (A) Enter judgment in favor of [Midwest Container] and against [Hub Plastics- Midwest] ordering immediate return of the Premises; (B) Enter judgment in favor of [Midwest Container] and against [Hub Plastics- Midwest] pursuant to statute in an amount equal to double the reasonable rental value of the Premises for each day or portion thereof that [Hub Plastics-Midwest] has held possession of the Premises prior to judgment; (C) Enter judgment in favor of [Midwest Container] and against [Hub Plastics- Midwest] pursuant to statute in an amount equal to double the reasonable rental value of the Premises for each day from the date of judgment, until [Hub Plastics- Midwest] vacates the Property; (D) Enter judgment in favor of [Midwest Container] and against [Hub Plastics- Midwest] for [Midwest Container]’s costs in bringing this action; and (E) Award [Midwest Container] such other and further relief as the Court deems just and proper.

(Doc. 1-1 at 13-14). On January 2, 2026, Hub Plastics-Midwest removed this case to federal court pursuant to 28 U.S.C. § 1332 and 28 U.S.C. § 1441(a). (Doc. 1-4 at 1). In its Notice of Removal, Hub Plastics-Midwest argued that the minimum amount in controversy was \$94,853 – above the

statutory minimum of \$75,000. (Doc. 1 at 4-6). Five days later, Midwest Container filed a Motion to Remand this case to state court.

(Doc. 5). In its motion, Midwest Container credibly argues that the amount in controversy is well below \$75,000. Along with its motion, Midwest Container also stipulated that “its claim for Unlawful Detainer... does not exceed \$75,000.00 exclusive of interest and costs[.]” (Doc. 6-2 at 1). ANALYSIS An action may be removed from state court to federal district court if the case falls within the original jurisdiction of the district court.

28 U.S.C. § 1441(a). If the case is not within the original jurisdiction of the district court, the district court must remand the case to the state court from which it was removed. 28 U.S.C. § 1447(c). A defendant seeking removal “bears the burden of establishing that the district court has original jurisdiction by a preponderance of the evidence.” *Knudson v. Sys.*

Painters, Inc., 634 F.3d 968, 975 (8th Cir. 2011) (citation modified). For a federal court to have diversity jurisdiction, the amount of “the matter in controversy” must exceed “the sum or value of \$75,000, exclusive of interests and costs[.]” 28 U.S.C. 1332(a). ““It is axiomatic the court’s jurisdiction is measured either at the time the action is commenced or, more pertinent to this case, at the time of removal.” *Schubert v. Auto Owners Ins.*

Co., 649 F.3d 817, 822 (8th Cir. 2011) (citing *McLain v. Andersen Corp.*, 567 F.3d 956, 965 (8th Cir. 2009); *Kansas Pub. Employees Ret. Sys. v. Reimer & Kroger Assocs., Inc.*, 77 F.3d 1063, 1067–68 (8th Cir. 1996)). “Neither the existence of a valid defense nor subsequent events reducing the amount in controversy divest the court of jurisdiction.” *Id.* at 822-23 (citations omitted).

And post-removal events “do not oust the district court’s jurisdiction once it has attached[.]” *St. Paul Mercury Indem. Co. v. Red Cab. Co.*, 303 U.S. 283, 292 (1938). When the state court petition seeks an unspecified amount of damages, the court must make a factual inquiry into the amount-in-controversy issue. *Jackson v. Fitness Resource Group, Inc.*, 2012 WL 2873668, at *2 (E.D.

Mo. July 12, 2012) (citing *Turner v. Wal-Mart Stores East, LP*, No. 4:11 CV 541 CDP, Doc. 14, at *3 (E.D. Mo. May 4, 2011); *McGuire v. J.B. Hunt Transp., Inc.*, 2010 WL 2399550, at *3 (E.D. Mo. June 10, 2010)). “Where state law prohibits plaintiffs from specifying damages in their state court complaints, this Court and others in the Eighth Circuit have considered a post-removal stipulation to determine whether jurisdiction has attached, as long as the stipulation can be considered as clarifying rather than amending an original pleading.” *Ingram v. Procter & Gamble Paper Products Co.*, 2011 WL 1564060 at * 2 (E.D.

Mo. Apr. 25, 2011). *Hub Plastics-Midwest* has not born its burden to establish by a preponderance of the evidence that the amount in controversy at the time of removal exceeds \$75,000 and that this Court has original jurisdiction. See *Knudson*, 634 F.3d at 975.

In any event, Midwest Container's petition did not contain any definitive monetary request for relief. (Doc. 1-1 at 13-14). Its motion credibly argues that the amount in controversy in this unlawful detainer action does not exceed \$75,000, and its post-removal stipulation clarifies and confirms that it will seek to recover only an amount less than the statutory minimum.

That binding stipulation! persuades the Court that Midwest Container cannot recover more than \$75,000.00. Thus, it is a "legal certainty" that Midwest Container will not recover more than \$75,000.00. Jackson, 2012 WL 2873668 at *5. This case is therefore remanded to Jefferson County Circuit Court for further proceedings. See *Burmeister v. Liberty Mut. Ins. Co.*, 2025 WL 2299467 (E.D.

Mo. Aug 8, 2025). CONCLUSION IT IS ORDERED: Plaintiff's Motion to Remand to State Court to Circuit Court of Jefferson County (Doc. 5) is GRANTED. An Order of Remand, remanding this action to the Jefferson County Circuit Court, the Twenty-Third Judicial Circuit of Missouri, will be entered herewith. PA, <a "| oe se CRISTIAN M. STEVENS UNITED STATES DISTRICT JUDGE Dated this 11" day of March 2026.! ¢T]his type of sworn stipulation is binding upon plaintiff[] and may be enforced through appropriate sanctions." Ingram, 2011 WL 1564060 at *2, n.1 (citing *Fliter v. Werner Enters.*, 2005 WL 5834638, at *1 (E.D.Mo.

Dec.14, 2005)).