UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 02-10533-RWZ

LINDA K. HILLER and BARRY J. SAVAGE,
individually and on behalf of all others similarly situated

v.

DAIMLERCHRYSLER CORPORATION

MEMORANDUM OF DECISION AND ORDER

March 23, 2004

ZOBEL, D.J.

Plaintiffs filed this class action against defendant DaimlerChrylser Corporation in state court alleging that the seatbelts in their Chrysler vehicles, which have never failed, might one day accidentally unbuckle due to a design flaw. Their complaint seeks the installation of new seatbelt buckles and damages not to exceed $74,500 for any one class member for consumer fraud, negligence and breach of warranty. Defendant removed to this Court, and on September 13, 2002, plaintiffs' motion for remand was denied. Plaintiffs have now filed a motion for reconsideration of the denial of remand, and defendants have filed motions for summary judgment as to the two named plaintiffs.

The motion for remand was initially denied because defendant might be held liable for amounts far in excess of $75,000 if there were an accident resulting in severe injuries. The complaint, however, specifically disclaims damages for "personal injury, property damage or death." The named plaintiffs must each allege more than $75,000 to satisfy the amount-in-controversy requirement for diversity jurisdiction. 28 U.S.C. §

1332(a); Spielman v. Genzyme Corp., 251 F.3d 1, 7 (1st Cir. 2001) (citing Zahn v. International Paper Co., 414 U.S. 291 (1973)). Plaintiffs have specifically disclaimed any damages greater than the amount-in-controversy requirement, and in fact, it is extraordinarily unlikely that the named plaintiffs, let alone any of the putative class members, would each be entitled to anything remotely approaching $75,000. Federal subject matter jurisdiction is lacking here. Because this court has no jurisdiction, I do not reach defendant's motion for summary judgment, even though plaintiffs' lawsuit appears to be as manufactured as defendant's cars,[1]

Accordingly, plaintiffs' motion for reconsideration is allowed; and, upon reconsideration, the motion for remand is allowed. Judgment may be entered remanding the case to the Middlesex County Superior Court.

_____ /s/ Rya W. Zobel

DATE RYA W. ZOBEL
UNITED STATES DISTRICT JUDGE

[1] For example, plaintiffs rebut defendant's argument that the statute of limitations has run with the following representation: "[I]t was only shortly before the filing of the instant lawsuit that [plaintiff Hiller] learned that the Gen-III buckles in her Caravan were defective because they could accidentally release, when she was told as much by her attorney and saw some news reports about the Gen-III buckle." Plaintiffs' Opposition to Summary Judgment at 10 (emphasis added). Plaintiffs have had no trouble with the seatbelts in their cars, and in their opposition to defendant's motions for summary judgment, they concede that their claims for negligence and negligent misrepresentation fail because plaintiffs have "not yet suffered personal injury or physical harm to any property." Id. at 14.