

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF  
WASHINGTON

John Milito v. Lucid Group USA Inc., et al.

No. C25-1664JLR (W.D. Wash. Dec. 16, 2025) · No. C25-1664JLR · Decided December 16, 2025

SUMMARY

The United States District Court for the Western District of Washington grants John Milito’s motion to remand a putative class action alleging violations of Washington’s Equal Pay and Opportunities Act. The court concludes that the defendants failed to establish that Milito suffered a concrete and particularized injury sufficient to confer Article III standing and rejects dismissal under the futility exception or jurisdictional discovery. The case is remanded to King County Superior Court.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                        |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Western District of Washington                                                                                                                                                                                                                                                                                                                                    |
| WRITING FOR THE COURT | James L. Robart                                                                                                                                                                                                                                                                                                                                                                                        |
| JURISDICTION          | United States District Court for the Western District of Washington                                                                                                                                                                                                                                                                                                                                    |
| DECIDED               | December 16, 2025                                                                                                                                                                                                                                                                                                                                                                                      |
| DOCKET                | C25-1664JLR                                                                                                                                                                                                                                                                                                                                                                                            |
| DISPOSITION           | remanded                                                                                                                                                                                                                                                                                                                                                                                               |
| PROCEDURAL POSTURE    | Plaintiff moved to remand a removed putative class action to state court, arguing that he lacked Article III standing and that the requirements for federal diversity and Class Action Fairness Act jurisdiction were not established.                                                                                                                                                                 |
| STANDARD OF REVIEW    | The removing defendant bears the burden of establishing that removal jurisdiction is proper, and removal jurisdiction is construed in favor of remand. The court applied the Article III standing requirement that the plaintiff show a concrete and particularized injury that is actual or imminent, fairly traceable to the challenged conduct, and likely to be redressed by a favorable decision. |
| PRECEDENTIAL VALUE    | unpublished district court order; precedential status unknown                                                                                                                                                                                                                                                                                                                                          |
| PARTIES               | Lucid Group USA Inc., Lucid USA Inc. v. John Milito                                                                                                                                                                                                                                                                                                                                                    |

TOPICS

subject matter jurisdiction

standing

class actions

civil procedure

## PRACTICE AREAS

civil procedure

employment law

constitutional law

federalism

## QUESTIONS PRESENTED

1. Whether Lucid USA established that Milito had Article III standing to pursue his Washington Equal Pay and Opportunities Act claim in federal court.
2. Whether the district court should dismiss the action under a futility exception rather than remand it because Milito allegedly lacked standing in state court as well.
3. Whether jurisdictional discovery was warranted before resolving the motion to remand.

## HOLDINGS

1. Milito lacked Article III standing because the allegations that he lost time, had reduced negotiating ability, and could not evaluate the position's compensation did not establish a concrete and particularized injury, an actual or imminent injury, or a material risk of harm recognized by the Washington Equal Pay and Opportunities Act.
2. The court rejected the futility argument and remanded rather than dismissed because it was not absolutely certain that the state court would simply dismiss the action after remand.
3. Jurisdictional discovery was unnecessary because the lack of standing was apparent from the face of the complaint and the requested discovery could not alter the standing analysis.

## KEY QUOTATIONS

*“If the plaintiff lacks Article III standing to pursue its case in federal court, the court must remand the case rather than dismiss it.”* (at 3)

*“‘[A] district court must have ‘absolute certainty’ that a state court would ‘simply dismiss[ ] the action on remand.’ In other words, only when the eventual outcome of a case after remand is so clear as to be foreordained have we held that a district court may dismiss it—to ‘prevent[ ] any further waste of valuable judicial time and resources.’”* (at 6-7)

## FACTUAL BACKGROUND

Milito alleged that Lucid USA and other Washington entities violated Washington's Equal Pay and Opportunities Act by publishing job postings that failed to disclose the wage scale and benefits offered for the position. He alleged that the omission caused him to lose valuable time, impaired his ability to negotiate, and prevented him from evaluating the position's compensation against other opportunities. He did not allege that he was qualified for the position, was offered an interview, engaged in pay negotiations, or suffered an unfair negotiation or interview-related injury.

## PROCEDURAL HISTORY

Milito filed a putative class action in King County Superior Court on July 22, 2025, alleging violations of Washington's Equal Pay and Opportunities Act. Lucid USA removed the action to the Western District of Washington on August 28, 2025, invoking CAFA and diversity jurisdiction. The district court granted Milito's motion to remand because Lucid USA failed to establish that Milito had suffered a concrete and particularized injury sufficient for Article III standing.

## DISPOSITION

remanded

## REMAND INSTRUCTIONS

The action was remanded to the King County Superior Court.

## CASES CITED

- Branson v. Washington Fine Wine & Spirits, LLC, 574 P.3d 1031, 1034, 1040 (Wash. 2025)
- Harris v. Bankers Life & Cas. Co., 425 F.3d 689, 698 (9th Cir. 2005)
- Hawaii ex rel. Louie v. HSBC Bank Nevada, N.A., 761 F.3d 1027, 1034 (9th Cir. 2014)
- Luther v. Countrywide Home Loans Servicing LP, 533 F.3d 1031, 1034 (9th Cir. 2008)
- Polo v. Innoventions Int'l, LLC, 833 F.3d 1193, 1196, 1198 (9th Cir. 2016)
- Warth v. Seldin, 422 U.S. 490, 498 (1975)
- Yakima Valley Mem'l Hosp. v. Wash. State Dep't of Health, 654 F.3d 919, 932 n.17 (9th Cir. 2011)
- Smelt v. Cty. of Orange, 447 F.3d 673, 682 (9th Cir. 2006)
- Lujan v. Defenders of Wildlife, 504 U.S. 555, 560-61 (1992)
- Cal. Sea Urchin Comm'n v. Bean, 883 F.3d 1173, 1180 (9th Cir. 2018), as amended (Apr. 18, 2018)
- Magadia v. Wal-Mart Assocs., Inc., 999 F.3d 668, 679 (9th Cir. 2021)
- Hill v. ACV Auctions Inc., No. C25-0616MJP, 2025 WL 1582249, at \*3 (W.D. Wash. June 4, 2025)
- Partridge v. Heartland Express Inc. of Iowa, No. C24-5486DGE, 2024 WL 4164245, at \*4 (W.D. Wash. Sept. 12, 2024)
- Floyd v. Photon Infotech Inc., No. C24-01372KKE, 2025 WL 3442736, at \*3 (W.D. Wash. Dec. 1, 2025)
- Voivod v. Pyramid Theodore Management LLC, C25-1927JHC, 2025 WL 3540918, at \*1 (W.D. Wash. Dec. 10, 2025)
- Kent v. HCL Techs. Ltd., No. C24-1332MJP, 2024 WL 4825383, at \*4 (W.D. Wash. Nov. 19, 2024)