

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WASHINGTON

Robert Gleason v. Safeway, Inc. et al.

Gleason · No. 2:25-cv-02345-LK · Decided January 21, 2026

SUMMARY

The United States District Court for the Western District of Washington orders Safeway, Inc. to show cause why the removed action should not be remanded for lack of subject-matter jurisdiction. The order explains that Safeway has not adequately established complete diversity, including the citizenship of Plaintiff Robert Gleason and the members of Volta Charging, LLC, and directs Volta to file a corrected corporate disclosure statement.

CASE DETAILS

COURT	United States District Court for the Western District of Washington
WRITING FOR THE COURT	Lauren King
JURISDICTION	United States District Court for the Western District of Washington
DECIDED	January 21, 2026
DOCKET	2:25-cv-02345-LK
DISPOSITION	other
PROCEDURAL POSTURE	Safeway removed the action from King County Superior Court on the asserted basis of diversity jurisdiction. The district court sua sponte issued an order to show cause requiring Safeway to establish that removal was proper and requiring Volta Charging, LLC to correct its corporate disclosure statement.
STANDARD OF REVIEW	Removal statutes are strictly construed against removal jurisdiction; the removing defendant bears the burden of establishing that removal is proper, and doubts regarding removability are resolved in favor of remand.
PRECEDENTIAL VALUE	Unknown; district court order to show cause with no reported citation.

TOPICS

- subject matter jurisdiction
- civil procedure
- interstate disputes

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Safeway established complete diversity and the amount-in-controversy requirement necessary for federal diversity jurisdiction.
2. Whether the case should be remanded for lack of subject matter jurisdiction when the notice of removal did not establish the citizenship of the plaintiff and an LLC defendant.
3. Whether Volta Charging, LLC was required to file a corrected corporate disclosure statement identifying the citizenship of every individual or entity whose citizenship was attributed to it.

HOLDINGS

1. Safeway had not established that the parties were completely diverse because it relied on residence rather than domicile for Gleason and did not identify the citizenship of Volta Charging, LLC's members.
2. Safeway was ordered to show cause within 14 days why the case should not be remanded, and failure to establish federal subject matter jurisdiction would result in remand.
3. Volta Charging, LLC was ordered to file within seven days a corrected corporate disclosure statement identifying the citizenship of every individual or entity whose citizenship was attributed to the LLC.

KEY QUOTATIONS

“The Ninth Circuit “strictly construe[s] the removal statute against removal jurisdiction,” and “[f]ederal jurisdiction must be rejected if there is any doubt as to the right of removal in the first instance.”” (at 1)

“The “strong presumption” against removal jurisdiction means that the defendant always has the burden of establishing that removal is proper.” (at 1)

“Doubts as to removability are thus resolved in favor of remanding the case to state court.” (at 2)

“If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded.” (at 3)

FACTUAL BACKGROUND

Safeway removed the action asserting diversity jurisdiction. Safeway characterized Robert Gleason as a Washington citizen based on his residence in King County, but did not establish his domicile. Safeway also asserted that Volta Charging, LLC was a citizen of Delaware or California based on its organization and principal place of business, without identifying the citizenship of the LLC's members. Volta's corporate disclosure statement likewise identified its state of incorporation and principal place of business rather than the citizenship of every person or entity whose citizenship was attributed to it.

PROCEDURAL HISTORY

Safeway removed the state-court civil action to the Western District of Washington under 28 U.S.C. § 1441(a), asserting diversity jurisdiction under 28 U.S.C. § 1332(a)(1). The district court determined that the notice of

removal and corporate disclosure statement did not establish the citizenship of the parties, ordered Safeway to show cause within 14 days why the case should not be remanded, and ordered Volta Charging, LLC to file a corrected disclosure statement within seven days.

DISPOSITION

other

REMAND INSTRUCTIONS

Safeway must show cause within 14 days of the order why the case should not be remanded to King County Superior Court for lack of subject matter jurisdiction. Failure to do so will result in remand. Volta Charging, LLC must file a corrected Corporate Disclosure Statement within seven days identifying the citizenship of every individual or entity whose citizenship is attributed to it.

CASES CITED

- Gaus v. Miles, Inc., 980 F.2d 564, 566 (9th Cir. 1992) (per curiam)
- Matheson v. Progressive Specialty Ins. Co., 319 F.3d 1089, 1090 (9th Cir. 2003)
- Allstate Ins. Co. v. Hughes, 358 F.3d 1089, 1095 (9th Cir. 2004)
- Kanter v. Warner-Lambert Co., 265 F.3d 853, 857 (9th Cir. 2001)
- Ehrman v. Cox Commc'ns., Inc., 932 F.3d 1223, 1227 (9th Cir. 2019)
- Johnson v. Columbia Props. Anchorage, LP, 437 F.3d 894, 899 (9th Cir. 2006)

OPINION

1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 WESTERN DISTRICT OF
WASHINGTON AT SEATTLE 9 10 ROBERT GLEASON, CASE NO. 2:25-cv-02345-LK 11
Plaintiff, ORDER TO SHOW CAUSE 12 v. 13 SAFEWAY, INC. et al., 14 Defendants. 15 16 This
matter comes before the Court sua sponte. Defendant Safeway, Inc. removed this case 17 to this
Court on the basis of diversity jurisdiction.

Dkt. No. 1 at 1–2. For the reasons described 18 below, Safeway is ordered to show cause why the
case should not be remanded to King County 19 Superior Court. 20 Removal of a civil action to
federal district court is proper when the federal court would 21 have original jurisdiction over the
state court action. 28 U.S.C. § 1441(a).

The Ninth Circuit 22 “strictly construe[s] the removal statute against removal jurisdiction,” and
“[f]ederal jurisdiction 23 must be rejected if there is any doubt as to the right of removal in the
first instance.” Gaus v. Miles, 24 Inc., 980 F.2d 564, 566 (9th Cir. 1992) (per curiam). “The ‘strong
presumption’ against removal 1 jurisdiction means that the defendant always has the burden of
establishing that removal is proper.” 2 Id. Doubts as to removability are thus resolved in favor of
remanding the case to state court.

3 *Matheson v. Progressive Specialty Ins. Co.*, 319 F.3d 1089, 1090 (9th Cir. 2003). 4 Diversity jurisdiction exists over all civil actions when the matter in controversy exceeds 5 \$75,000 and the action is between citizens of different states. 28 U.S.C. § 1332(a)(1). Section 6 1332(a)(1) requires complete diversity; that is, each plaintiff must be a citizen of a different state 7 than each of the defendants.

Allstate Ins. Co. v. Hughes, 358 F.3d 1089, 1095 (9th Cir. 2004). 8 Although Safeway contends that this Court has jurisdiction under 28 U.S.C. § 1332(a)(1), Dkt. 9 No. 1 at 4, Safeway does not establish that the parties are diverse.

First, it asserts that Plaintiff 10 Robert Gleason is a citizen of Washington because he is a “resident of King County,” *id.*, but for 11 purposes of diversity jurisdiction, an individual’s state citizenship is determined by his domicile 12 or permanent home, which is not necessarily the same as his state of residence, *Kanter v. Warner-* 13 *Lambert Co.*, 265 F.3d 853, 857 (9th Cir.

2001); see also *Ehrman v. Cox Commc’ns., Inc.*, 932 14 F.3d 1223, 1227 (9th Cir. 2019) (“[R]esidency is not equivalent to citizenship.”). Second, Safeway 15 asserts that Volta Charging, LLC “is a ‘citizen of’ either Delaware or California” because it “is 16 (a) incorporated in Delaware, and (b) its principal place of business is in California,” Dkt. No. 1 17 at 4,1 but a limited liability company is a “citizen of every state of which its owners/members are 18 citizens,” *Johnson v. Columbia Props.*

Anchorage, LP, 437 F.3d 894, 899 (9th Cir. 2006). 19 Volta Charging, LLC’s corporate disclosure statement does not help the Court, because it 20 too misstates its citizenship. Dkt. No. 7 at 1 (“Volta Charging, LLC was incorporated in Delaware 21 with its principal place of business in San Francisco, California”); see also Fed. R. Civ. P. 7.1(a)(2) 22 23 1 Safeway’s notice of removal notes that Volta Charging Industries LLC was formerly known as Volta Charging, LLC. 24 See Dkt.

No. 1 at 1. 1 (“The [corporate disclosure] statement must name—and identify the citizenship of—every 2 individual or entity whose citizenship is attributed to that party”). 3 Accordingly, Safeway is ORDERED TO SHOW CAUSE within 14 days of the date of this 4 Order why this case should not be remanded for lack of subject matter jurisdiction. Failure to do 5 so will result in remand.

See 28 U.S.C. § 1447(c) (“If at any time before final judgment it appears 6 that the district court lacks subject matter jurisdiction, the case shall be remanded.”). The Court 7 further ORDERS Defendant Volta Charging, LLC to file a corrected Corporate Disclosure 8 Statement within seven days that clearly names and identifies the citizenship of “every individual 9 or entity whose citizenship is attributed to that party.” Fed.

R. Civ. P. 7.1(b); see also LCR 7.1(b). 10 11 Dated this 21th day of January, 2026. 12 A 13 Lauren King United States District Judge 14 15 16 17 18 19 20 21 22 23 24

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