

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.

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, 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