

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WASHINGTON

Jeff Su v. The Terminix International Company Limited Partnership,
et al.

Su · No. 2:25-cv-02615-JNW · Decided December 23, 2025

SUMMARY

The United States District Court for the Western District of Washington issued an order to show cause regarding whether the case should be remanded for lack of subject-matter jurisdiction. The court concluded that complete diversity appeared absent because both the plaintiff and a defendant were Washington citizens, and ordered the parties to explain by January 16, 2026, why remand should not occur.

CASE DETAILS

COURT	United States District Court for the Western District of Washington
WRITING FOR THE COURT	N. Whitehead
JURISDICTION	United States District Court for the Western District of Washington
DECIDED	December 23, 2025
DOCKET	2:25-cv-02615-JNW
DISPOSITION	other
PROCEDURAL POSTURE	Defendants removed a putative class action from King County Superior Court based on diversity jurisdiction. The district court sua sponte questioned whether complete diversity existed and ordered the parties to show cause why the action should not be remanded.
STANDARD OF REVIEW	The court independently examined its subject-matter jurisdiction because a federal court has a continuing and independent duty to do so.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- subject matter jurisdiction
- civil procedure
- interstate disputes
- federalism

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court could exercise diversity subject-matter jurisdiction when the complaint identified Plaintiff and a defendant as citizens of the same state.
2. Whether the defendants' reliance on the forum-defendant rule and potential snap removal could establish or preserve federal subject-matter jurisdiction despite the apparent absence of complete diversity.

HOLDINGS

1. Removal based on diversity jurisdiction requires that the federal court have original diversity jurisdiction, including complete diversity between all plaintiffs and defendants; the presence of a Washington plaintiff and a Washington defendant therefore appeared to preclude diversity jurisdiction.
2. The forum-defendant rule is a procedural limitation on removal and does not establish diversity subject-matter jurisdiction; its properly-joined-and-served language cannot be used to disregard a shared state citizenship that defeats complete diversity.

KEY QUOTATIONS

“The Court has a continuing and independent duty to examine its own subject-matter jurisdiction.” (at 1)

“That rule prohibits removal, as a procedural matter, “if any of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought.”” (at 2)

“But even if snap removal were permissible, that does not solve the jurisdictional problem here.” (at 3)

FACTUAL BACKGROUND

Plaintiff Jeff Su filed a putative class action against The Terminix International Company Limited Partnership and other defendants. The Terminix Defendants removed the case from King County Superior Court, asserting diversity jurisdiction. The complaint identified both Su and Defendant Shane Thompson as Washington citizens, creating an apparent lack of complete diversity.

PROCEDURAL HISTORY

The Terminix Defendants removed the action from King County Superior Court on December 23, 2025, invoking diversity jurisdiction. The district court observed that the complaint identified both Plaintiff Jeff Su and Defendant Shane Thompson as Washington citizens, and therefore issued an order to show cause why the case should not be remanded for lack of subject-matter jurisdiction.

DISPOSITION

other

REMAND INSTRUCTIONS

The parties were ordered to show cause by January 16, 2026, why the case should not be remanded for lack of subject-matter jurisdiction. No final remand order was entered in this opinion.

CASES CITED

- West v. United States, 853 F.3d 520, 522 (9th Cir. 2017)
- Grancare, LLC v. Thrower by & through Mills, 889 F.3d 543, 548 (9th Cir. 2018)
- Caterpillar Inc. v. Lewis, 519 U.S. 61, 68 (1996)
- Strotek Corp. v. Air Transp. Ass'n of Am., 300 F.3d 1129, 1131-32 (9th Cir. 2002)
- Lively v. Wild Oats Markets, Inc., 456 F.3d 933, 936, 940 (9th Cir. 2006)
- Cadena v. Polaris Indus. Inc., No. 3:23-cv-00443-YY, 2023 WL 6004228, at *2-3 (D. Or. Aug. 15, 2023)
- Breuer v. Weyerhaeuser NR Co., No. C20-0479 JLR, 2020 WL 4260948, at *4 (W.D. Wash. July 24, 2020)
- Casola v. Dexcom, Inc., 98 F.4th 947, 955 (9th Cir. 2024)
- Regal Stone Ltd. v. Longs Drug Stores Cal., L.L.C., 881 F. Supp. 2d 1123, 1126 (N.D. Cal. 2012)
- Loewen v. McDonnell, No. 19-cv-00467-YGR, 2019 WL 23644138, at *1 (N.D. Cal. June 5, 2019)

OPINION

Su

PER CURIAM.

1 2 3 4 5

UNITED STATES DISTRICT COURT

6 WESTERN DISTRICT OF WASHINGTON

AT SEATTLE

7 JEFF SU individually and on behalf of CASE NO. 2:25-cv-02615-JNW 8 all others similarly situated,

ORDER TO SHOW CAUSE

9 Plaintiff, 10 v.

11 THE TERMINIX INTERNATIONAL

COMPANY LIMITED PARTNERSHIP

12 a foreign limited partnership, et al., 13 Defendants. 14 The Court raises this matter of its own accord. Defendants The Terminix 15 International Company Limited Partnership, Rentokil North America, Inc., d/b/a 16 Terminix, Western Exterminator Company, Target Specialty Products, Ambius, and 17 Pratt Pest Management (“Terminix Defendants”) removed this matter from King 18 County Superior Court on December 23, 2025, invoking the Court’s diversity 19 jurisdiction. However, the complaint reveals that both Plaintiff and Defendant 20 Shane Thompson are Washington citizens. Thus, it appears that this Court lacks 21 subject-matter jurisdiction and that remand is necessary. 22 23 1 The Court has a continuing and independent duty to examine its own 2 subject-matter jurisdiction. West v. United States, 853 F.3d 520, 522 (9th Cir. 2017). 3 A defendant may remove a state court action if the federal court would have had 4 subject-matter

jurisdiction over the action in the first place. 28 U.S.C. § 1441(a).

5 Under 28 U.S.C. § 1332(a), federal district courts have diversity jurisdiction over

6 civil actions where the matter in controversy exceeds \$75,000 exclusive of interest 7 and costs
and where the parties are citizens of different states. The statute requires 8 complete diversity,
meaning no plaintiff can be a citizen of the same state as any 9 defendant. *Grancare, LLC v.*
Thrower by & through Mills, 889 F.3d 543, 548 (9th

10 Cir. 2018) (citing *Caterpillar Inc. v. Lewis*, 519 U.S. 61, 68 (1996)). Courts

11 determine whether there is complete diversity at “the time the complaint is filed 12 and removal
is effected.” *Strotek Corp. v. Air Transp. Ass’n of Am.*, 300 F.3d 1129, 13 1131–32 (9th Cir. 2002).

14 The remand statute, 28 U.S.C. § 1441, adds a procedural, non-jurisdictional 15 requirement for
removal based on diversity jurisdiction—the forum defendant rule. 16 *Lively v. Wild Oats*
Markets, Inc., 456 F.3d 933, 940 (9th Cir. 2006) (“We are not 17 persuaded that the forum
defendant rule is a statutory requirement, which, if not 18 met, deprives the district court of
original jurisdiction.”). That rule prohibits 19 removal, as a procedural matter, “if any of the
parties in interest properly joined 20 and served as defendants is a citizen of the State in which
such action is brought.” 21 28 U.S.C. § 1441(b). Because the forum defendant rule is a procedural
limitation, it 22 may be waived; thus, unlike jurisdictional limitations, it is not a basis for sua 23
sponte remand. *Lively*, 456 F.3d at 936, 940. 1 The Terminix Defendants argue that removal is
proper under the forum 2 defendant rule because the Washington forum Defendant—Thompson—
has not yet 3 been “properly joined and served.” 28 U.S.C. § 1441(b). This controversial removal
4 practice is known as “snap removal,” and neither the Supreme Court nor the Ninth 5 Circuit
have weighed in on it. *Cadena v. Polaris Indus. Inc.*, No. 3:23-cv-00443-YY, 6 2023 WL 6004228,
at *2–3 (D. Or. Aug. 15, 2023) (explaining lack of binding 7 precedent); *Breuer v. Weyerhaeuser*
NR Co., No. C20-0479 JLR, 2020 WL 4260948, 8 at *4 (W.D. Wash. July 24, 2020) (“Snap
removal is a controversial procedure and 9 its compliance with the removal statute, 28 U.S.C. §
1441, is questionable.”); see 10 also *Casola v. Dexcom, Inc.*, 98 F.4th 947, 955 (9th Cir. 2024)
(Ninth Circuit lacked 11 jurisdiction to decide the issue of snap removal on appeal). 12 But even if
snap removal were permissible, that does not solve the 13 jurisdictional problem here. The
Terminix Defendants do not challenge that 14 Plaintiff and Thompson are both Washington
citizens—a fact that precludes the 15 exercise of diversity jurisdiction under 28 U.S.C. § 1332 in
the first instance. See 16 *Strotek Corp.*, 300 F.3d at 1131–32; 28 U.S.C. § 1441(a) (court must be
able to 17 exercise original jurisdiction for removal to be proper). 18 The Terminix Defendants
attempt to avoid this problem by improperly 19 conflating the forum defendant rule of 28 U.S.C. §
1441(b) with the jurisdictional 20 requirements of 28 U.S.C. § 1332. For instance, they assert that
the Court may 21 exercise diversity jurisdiction because “the properly joined and served corporate
22 Defendants are citizens of a different state than Plaintiff.” Dkt. No. 1 at 4 (emphasis 23 added).
But the “properly joined and served” language comes from the forum 1 defendant rule, not the
diversity jurisdiction statute. Nor are the Terminix 9 Defendants’ cases persuasive, as they address

only whether removal was proper 3 under the forum defendant rule—not the existence of diversity jurisdiction. See e.g., 4 || Regal Stone Ltd. v. Longs Drug Stores Cal., L.L.C., 881 F. Supp. 2d 1123, 1126 5 (N.D. Cal. 2012) (addressing only the forum defendant rule’s application under 28 G U.S.C. § 1441(b)); Loewen v. McDonnell, No. 19-cv-00467-YGR, 2019 WL 23644138, at 7 *1 (N.D. Cal. June 5, 2019) (complete diversity existed). 8 Accordingly, the Court ORDERS the Parties to SHOW CAUSE by January 9 16, 2026, why this case should not be remanded for lack of subject-matter ||jurisdiction. The Clerk of the Court is DIRECTED to place this deadline on the 11 || Court’s calendar. 12 13 Dated this 23rd day of December, 2025. 14 15 C Bw N. Whitehead United States District Judge 16 17 18 19 20 21 22 23