

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.

OPINION

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