

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PRECEDENTIAL VALUE	unpublished district court order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)