UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

ANDREW GREGO and MARIA DOROSHCHUK, individually and on behalf of all others similarly situated, Plaintiffs, v. KADLEC REGIONAL MEDICAL CENTER, a Washington non-profit corporation; CARDON HEALTHCARE NETWORK, LLC, d/b/a/ Cardon Healthcare Network and Cardon Outreach, a Delaware for-profit corporation; and CARDON HEALTHCARE HOLDINGS, a Delaware for-profit corporation, Defendants.	NO: 4:16-CV-5150-RMP ORDER DENYING AS MOOT DEFENDANTS' MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION

BEFORE THE COURT is a Motion to Dismiss for Lack of Subject Matter Jurisdiction, ECF No. 7, by Defendants Cardon Healthcare Network, LLC ("Cardon") and Cardon Healthcare Holdings ("Cardon Holdings"). The Court has reviewed Defendants' motion, the remaining record, and the relevant law, and is fully informed.

Plaintiff Andrew Grego initiated a putative class action in this District on November 14, 2016. Although Plaintiff's claims were raised in his individual capacity and "on behalf of all others similarly situated," he stated only traditional diversity jurisdiction under 28 U.S.C. § 1332(a)(1) as a basis for federal subject matter jurisdiction. ECF No. 1 at 1, 5. On December 19, 2016, Defendants Cardon and Cardon Holdings moved to dismiss Plaintiff's complaint on the basis that complete diversity between Plaintiff and Defendant Kadlec Regional Medical Center did not exist, given that both are citizens of Washington State.

Plaintiff did not respond to Defendants' motion. However, Plaintiff filed an amended complaint on January 9, 2017. Plaintiff's amended complaint named a second Plaintiff, Maria Doroshchuk, and stated a new basis for federal subject matter jurisdiction: the Class Action Fairness Act ("CAFA"). *See* ECF No. 8 at 6. Defendant answered Plaintiffs' complaint on January 31, 2017, denying the factual allegations underlying Plaintiffs' claim of CAFA jurisdiction for "lack[] of sufficient information to form a belief." ECF No. 9 at 6.

CAFA expanded diversity jurisdiction to include putative and certified class actions in which the class comprises more than 100 members, at least one plaintiff is a citizen of a state different from any defendant, and the aggregate amount of all class members' claims exceeds $5 million. *See* 28 U.S.C. § 1332(d). Plaintiff's amended complaint makes the requisite factual allegations to assert diversity jurisdiction under CAFA. Given that Plaintiffs allege a facially viable basis for

federal subject matter jurisdiction, Defendants' motion to dismiss the original complaint for lack of subject matter jurisdiction must be denied.

Accordingly, **IT IS HEREBY ORDERED**:

1. Defendant's Motion to Dismiss for Lack of Subject Matter Jurisdiction, **ECF No. 7**, is **DENIED AS MOOT**.
2. The caption in this matter is amended to include Plaintiff Maria Doroshchuk.

The District Court Clerk is directed to enter this Order and provide copies to counsel.

DATED March 3, 2017.

s/ Rosanna Malouf Peterson
ROSANNA MALOUF PETERSON
United States District Judge