

1 HONORABLE RICHARD A. JONES
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 PNK INVESTMENTS, LLC

11 Plaintiff,

12 v.

13 MARGARET SCHAFER,

Defendant.

CASE NO. C17-00951-RAJ

ORDER

14 This matter comes before the Court on Plaintiff PNK Investments, LLC's Motion
15 to Remand. Dkt. # 9. Defendant did not file a response to this Motion¹. This is an
16 unlawful detainer action against Defendant Margaret Schafer and any other occupants of
17 a real property located in Skagit County, Washington. Dkt. # 1 Ex. 1.

18 Defendant removed this action to this Court on the basis that the notice Plaintiff
19 delivered did not comply with the Protecting Tenants in Foreclosure Act, 12 U.S.C.
20 § 5220 (“PTFA”). *See* Dkt. # 1 ¶¶ 7-9. However, this does not provide a basis for
21 removal. Pursuant to the “well-pleaded complaint rule,” federal-question jurisdiction
22 exists “only when a federal question is presented on the face of the plaintiff's properly
23 pleaded complaint.” *Caterpillar Inc. v. Williams*, 482 U.S. 386, 392 (1987). To the
24 extent that Defendant is attempting raise a defense to Plaintiff's action under PTGA, “a
25 federal law defense to a state-law claim does not confer jurisdiction on a federal court,

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27 ¹ Under this Court's Local Rules, “such failure may be considered by the court as an admission
28 that the motion has merit.” Local Rules W.D. Wash. LCR 7(b)(2).

ORDER – 1

1 even if the defense is that of federal preemption and is anticipated in the plaintiff's
2 complaint." *See Valles v. Ivy Hill Corp.*, 410 F.3d 1071, 1075 (9th Cir. 2005).

3 Nor can Defendant argue that federal jurisdiction is proper due to federal
4 preemption. PTFA expired on December 31, 2014. *See Dodd-Frank Wall Street Reform*
5 and *Consumer Protection Act*, Pub. L. No. 111-203, 124 Stat. 1376, 2204 (2010).
6 Defendant received notice to vacate the property at issue on May 19, 2017 and removed
7 this case on June 21, 2017, well after PTFA's expiration. Dkt. # 9 ¶ 2.3.; Dkt. # 1. As
8 such, PTFA is not applicable to this action and Plaintiff's state claim cannot be
9 preempted by federal law.

10 Even if PTFA was applicable here, the Ninth Circuit has held that PTFA did not
11 create a federal private cause of action. *Logan v. U.S. Bank Nat'l Ass'n*, 722 F.3d 1163,
12 1173 (9th Cir. 2013) ("The PTFA is framed in terms of 'protections' for tenants,
13 suggesting that it was intended to provide a defense in state eviction proceedings rather
14 than a basis for offensive suits in federal court."). As there is no basis for federal
15 question jurisdiction, Defendant's removal was improper and this matter must be
16 remanded.

17 For these reasons, the Court **GRANTS** Plaintiff's Motion and **REMANDS** this
18 case to Skagit County Superior Court.

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20 DATED this 20th day of October, 2017
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The Honorable Richard A. Jones
United States District Judge

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28 ORDER – 3