

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PNK INVESTMENTS, LLC

Plaintiff,

v.

MARGARET SCHAFFER,

Defendant.

CASE NO. C17-00951-RAJ

ORDER

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

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

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

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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25 The Honorable Richard A. Jones
26 United States District Judge
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