

1 THE HONORABLE JOHN C. COUGHENOUR

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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 U.S. BANK TRUST, as trustee for LSF9  
10 MASTER PARTICIPATION TRUST,

11 Plaintiff,

12 v.

13 IVAILO MARKOV, *et al.*,

14 Defendants.

CASE NO. C17-1786-JCC

MINUTE ORDER

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16 The following Minute Order is made by direction of the Court, the Honorable John C.  
17 Coughenour, United States District Judge:

18 This matter comes before the Court *sua sponte*. Defendant filed a notice of removal from  
19 Snohomish County Superior Court (Dkt. No. 3). Defendant alleged this Court has jurisdiction  
20 because “Defendant’s demurrer a pleading depending on the determination of Defendant’s rights  
21 and Plaintiff’s duties under federal law” and, as a result, “[f]ederal question jurisdiction exists.”  
22 (*Id.* at 2.) However, it is well established that “federal jurisdiction exists only when a federal  
23 question is presented on the face of the plaintiff’s properly pleaded complaint.” *California v.*  
24 *United States*, 215 F.3d 1005, 1014 (9th Cir. 2000). A defendant cannot create subject matter  
25 jurisdiction through the assertion of a defense or counterclaim where jurisdiction would  
26 otherwise be lacking. *See Caterpillar, Inc., v. Williams*, 482 U.S. 386, 392 (1987) (defense);

