

Honorable Robert S. Lasnik

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICHELLE MATHISON, an individual,

Plaintiff,

vs.

CHRISTINE UPTON and JOHN DOE
UPTON, husband and wife and the marital
community comprised thereof, and STATE
FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY, a foreign
insurance company,

Defendants.

No. 2:18-cv-00064 RSL

STIPULATION AND ORDER FOR REMAND

**NOTED FOR CONSIDERATION:
January 25, 2018**

STIPULATION

The parties, by and through their undersigned counsel, enter this Stipulation as follows:

1. Plaintiff Michelle Mathison filed this lawsuit in Washington State Superior Court for King County claiming injuries arising from two separate accidents. The first accident occurred on October 27, 2014. Ms. Mathison alleged claims for personal injuries against Defendant Christine and John Doe Upton (the "Upton Defendants") arising from the first accident. The Upton Defendants have, in relevant part, denied the allegations. The second accident occurred on June 23, 2015, based upon which Ms. Mathison seeks underinsured motorist ("UIM") benefits from State Farm Mutual Automobile Insurance Company ("State Farm") in this lawsuit. State Farm has, in relevant part, denied the allegations.

1 2. Counsel for the Upton Defendants removed this action to this Court on June 16,
2 2018 (Dkt. #1) based upon diversity of citizenship because the parties were and are diverse and
3 because counsel for the Upton Defendants believed in good faith that the amount in controversy
4 exceeded \$75,000. Counsel for State Farm consented to the removal (Dkt. # 5).

5 3. On Friday, January 19, 2018, Plaintiff's attorney James Prescott contacted
6 counsel for the Upton Defendants, Donna Chamberlin, and stated his view that he did not
7 believe that this case satisfied the amount in controversy minimum for removal based upon the
8 Complaint and Plaintiff's Statement of Damages. Counsel generally discussed that whether the
9 amount in controversy minimum had been met could be dependent upon whether Plaintiff
10 Michelle Mathison was claiming joint and several liability as to the Defendants. The afore
11 referenced attorneys agreed to research their respective positions and to reconvene in a
12 conference after analyzing their respective positions.

13 4. During a second telephone conference on January 19, 2018, counsel for Plaintiff
14 Michelle Mathison and for the Upton Defendants agreed as follows:

15 a. Plaintiff Michelle Mathison is not and will not claim that the Upton
16 Defendants on the one hand and Defendant State Farm on the other hand have
17 joint and several liability for the damages claimed by Plaintiff Michelle Mathison
18 in this action; instead, the two actions were joined in one action for convenience;
19 and

20 b. Plaintiff Michelle Mathison is not claiming that the amount in controversy
21 as to the Upton Defendants exceeds \$75,000, and Plaintiff Michelle is not
22 claiming that the amount in controversy as to Defendant State Farm exceeds
23 \$75,000.

24 5. Because Plaintiff Michelle Mathison is not claiming that the Upton Defendants
25 and State Farm are jointly and severally liable and is limiting the damages claimed against the
26 Upton Defendants on the one hand and State Farm on the other hand to less than \$75,000, the
27 parties agree that this case may be remanded to Washington State Superior Court for King

1 County pursuant to 28 U.S.C. § 1332, which sets the federal diversity jurisdiction minimum at
2 greater than \$75,000 exclusive of interests and costs.

3 6. IT IS SO STIPULATED by:

4 DATED this 23rd day of January, 2018,

DATED this 23rd day of January, 2018,

5
6 **LEWIS BRISBOIS BISGAARD & SMITH LLP**

LAW OFFICE OF SAM ELDER PLLC

7 By: s/Donna M. Chamberlin
8 Donna M. Chamberlin, WSBA No. 31227
9 s/Heather M. Jensen
10 Heather M. Jensen, WSBA No. 29635
11 1111 Third Avenue, Suite 2700
12 Seattle, Washington 98101
13 Phone: (206) 436-2020
14 Facsimile: (206) 436-2030
15 Email: Heather.Jensen@lewisbrisbois.com
16 Email: Donna.Chamberlin@lewisbrisbois.com

By: s/ Samuel J. Elder w/ permission
Samuel J. Elder, Jr., WSBA No. 26085
12716 NE 106th Lane
Kirkland, Washington 98101
Phone: (425) 999-8170
Facsimile: (425) 999-8172
Email: sam@samelderlaw.com

Attorneys for Plaintiff Michelle Mathison

**Attorneys for Defendant Christine and John
Doe Upton**

15 DATED this 23rd day of January, 2018,

16 **LOCKNER, CROWLEY & KAY, INC., P.S.**

17
18 By: s/Karen M. Kay w/permission
19 Karen M. Kay, WSBA No. 36765
20 524 Tacoma Avenue, South
21 Tacoma, Washington 98402
22 Phone: (253) 383-4704
23 Facsimile: (253)
24 Email: Karen@524law.com

**Attorneys for Defendant State Farm Mutual
Automobile Insurance Company**

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ORDER

IT IS SO ORDERED.

DATED this 1st day of ~~January~~ Feb., 2018.

MR S Lasnik

Robert S. Lasnik
United States District Court Judge