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

8 NATHAN HUVELDT,

9 Plaintiff,

10 v.

11 JAKE SWEENEY CHEVEROLET-
12 IMPORTS, INC. (d/b/a JAKE SWEENEY
13 BMW and BMW OF CINCINNATI
NORTH),

14 Defendant.

CASE NO. 2:23-cv-00355-RSL

ORDER

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16 This matter comes before the Court on “Plaintiff’s Motion for Default Judgment
17 Against Defendant Jake Sweeney Chevrolet-Imports, Inc. (d/b/a Jake Sweeney BMW and
18 BMW of Cincinnati North).” Dkt. # 29. Jake Sweeney Chevrolet-Imports, Inc.
19 (“Sweeney”) has not appeared in this action, and its default was entered on April 25, 2023.
20 Dkt. # 15. Having considered the motion, the supporting declarations, the remaining
21 record, and the applicable law, the Court finds as follows:

22 **BACKGROUND**

23 Plaintiff filed his complaint against Sweeney and two other defendants on March
24 10, 2023, alleging that defendants breached their contractual and statutory obligations
25 when they refused to repair plaintiff’s 2018 BMW Certified X6 M after it suffered an
26 engine failure during the warranty period. Sweeney is an Ohio corporation that sells and

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1 services luxury vehicles in Ohio. Dkt. # 1 at ¶ 8. Plaintiff, a Washington resident,
2 purchased his X6 M from Sweeney in Ohio. Dkt. # 1 at ¶¶ 6 and 10.


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4 **DISCUSSION**

5 “When entry of judgment is sought against a party who has failed to plead or
6 otherwise defend, a district court has an affirmative duty to look into its jurisdiction over
7 both the subject matter and the parties.” *In re Tuli*, 172 F.3d 707, 712 (9th Cir. 1999). *See*
8 *also Flores v. Flores*, 590 F. Supp. 3d 1373, 1379 (W.D. Wash. 2022) (“Before entering
9 default judgment, the Court must confirm that it has both subject matter and personal
10 jurisdiction.”). Plaintiff does not allege, nor has he made a showing, that the Court has
11 personal jurisdiction over Sweeney.

12 **CONCLUSION**

13 There being no indication that the Court has either general or specific jurisdiction
14 over Sweeney, the Court lacks the power to adjudicate the claims asserted against that
15 defendant. The motion for default judgment is therefore DENIED. The Clerk of Court is
16 directed to close the case.

17 Dated this 5th day of June, 2024.

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20 Robert S. Lasnik
21 United States District Judge
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