

1
2 UNITED STATES DISTRICT COURT
3 WESTERN DISTRICT OF WASHINGTON
4 AT SEATTLE

4 DOUGLAS HEIN,

5 Plaintiff,

6 v.

7 CRASH CHAMPIONS, LLC; and
8 DOES 1-10,

9 Defendants.

C24-1176 LK TSZ

MINUTE ORDER

10 The following Minute Order is made by direction of the Court, the Honorable
11 Thomas S. Zilly, United States District Judge:

12 (1) Plaintiff's Motion to Remand, docket no. 13, is DENIED in part and
13 DEFERRED in part, as follows:

14 (a) In his Motion to Remand, Plaintiff contends that his Complaint is
15 identical to complaints filed in *Floyd v. Insight Global LLC*, No. 23-cv-1680, 2024 WL
16 2133370 (W.D. Wash. May 10, 2024), and other cases where courts have remanded due
17 to lack of Article III standing.¹ Plaintiff's reliance on *Floyd* and other cases is misguided.
18 In *Floyd*, the plaintiff did not plead that he applied "in good faith" for the job at issue, but
19 rather included such allegation in his declaration in opposition to the defendant's motion
20 to dismiss. 2024 WL 2133370, at *8. The *Floyd* court declined to consider his declaration
21 as part of his pleading. *Id.* In this case, however, in Paragraph 3 of the Complaint, docket
22 no. 1-2, Plaintiff alleged that he applied for the position in good faith and with the
23 genuine intent of gaining employment. Thus, *Floyd* is distinguishable, as are the other
cases cited by Plaintiff. Plaintiff's Motion to Remand is DENIED to the extent that
Plaintiff asserts he has not sufficiently pleaded Article III standing.

¹ See also *Atkinson v. Aaron's, LLC*, No. 23-cv-1742, 2024 WL 2133358 (W.D. Wash. May 10, 2024);
David v. Herc Rentals Inc., No. 24-cv-175, 2024 WL 2133369 (W.D. Wash. May 10, 2024); *Floyd v.*
DoorDash, Inc., No. 23-cv-1740, 2024 WL 2325128 (W.D. Wash. May 22, 2024); *Spencer v. RXO, Inc.*,
No. 23-cv-1760, 2024 WL 2399974 (W.D. Wash. May 23, 2024); *Spencer v. Vera Whole Health, Inc.*,
No. 24-cv-337, 2024 WL 3276578 (W.D. Wash. July 2, 2024); *Atkinson v. Penney Opco LLC*, No. 23-cv-
1806, 2024 WL 3579910 (W.D. Wash. July 30, 2024); and *Watson v. Deacon Constr., LLC*, No. 23-cv-
1806, 2024 WL 3579912 (W.D. Wash. July 30, 2024).

1 (b) The Motion to Remand is DEFERRED with respect to whether the
2 Court has subject-matter jurisdiction pursuant to the Class Action Fairness Act
3 (“CAFA”), 28 U.S.C. § 1332(d). CAFA requires that an action removed from state court
4 involve a class with at least 100 putative members, that at least one plaintiff is diverse in
5 citizenship from any defendant, and that the aggregate amount in controversy exceeds
6 \$5 million. *See Moliga v. Qdoba Restaurant Corp.*, No. 23-CV-1084, 2023 WL 5013439,
7 at *4 (W.D. Wash. Aug. 7, 2023). The removing party has the burden of overcoming the
8 strong presumption against removal jurisdiction by establishing that the CAFA criteria
9 are met. *See Lindley Contours, LLC v. AABB Fitness Holdings, Inc.*, 414 F. App’x 62, 64
10 (9th Cir. 2011). Although Defendant Crash Champions, LLC’s Notice of Removal,
11 docket no. 1, indicates that the proposed class includes more than 100 individuals, it fails
12 to allege sufficient facts to support the requisite diversity. The Notice of Removal
13 erroneously applied the citizenship standard for corporations rather than for limited
14 liability companies. *See* Notice of Removal at ¶ 14 (docket no. 1). As a limited liability
15 company, Defendant is a citizen of every state in which its members are domiciled. *See*
16 *Johnson v. Columbia Props. Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006). This
17 standard is codified in LCR 7.1 with which Defendant’s Corporate Disclosure Statement,
18 docket no. 3, does not comply. With regard to the amount in controversy, Defendant
19 asserts that the maximum in potential statutory damages (\$5,000) may be aggregated by
20 class member, as opposed to statutory violation, and contends that the approximately
21 1,586 individuals who applied during the period from January 1, 2023, to July 12, 2024,
22 for one job opening in Washington would be entitled to at least \$7,930,000. *See* Notice of
23 Removal at ¶ 22 (docket no. 1). Defendant provides no authority for interpreting the
Washington statute to authorize the calculation of class damages in this manner.
Defendant is DIRECTED to file by November 1, 2024, a corrected Corporate Disclosure
Statement and a supplemental response to Plaintiff’s Motion to Remand, addressing
whether the Court has CAFA jurisdiction. Plaintiff may file a supplemental reply by
November 8, 2024.

15 (c) Plaintiff’s Motion to Remand, docket no. 13, is RENOTED to
16 November 8, 2024.

17 (2) The Clerk is directed to send a copy of this Minute Order to all counsel of
18 record and the Honorable Lauren J. King.

19 Dated this 24th day of October, 2024.

20 Ravi Subramanian
21 Clerk

22 s/Laurie Cuaresma
23 Deputy Clerk