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3 UNITED STATES DISTRICT COURT  
4 WESTERN DISTRICT OF WASHINGTON  
5 AT TACOMA

6 TODD WODJA, individually and on  
7 behalf of all others individually situated,

8 Plaintiff,

9 v.

10 WASHINGTON STATE EMPLOYEES  
11 CREDIT UNION, and DOES 1-10,

12 Defendants.

CASE NO. C15-5693BHS

ORDER GRANTING  
DEFENDANT'S MOTION TO  
DISMISS

13 This matter comes before the Court on Defendant Washington State Employees  
14 Credit Union's ("WSECU") motion to dismiss (Dkt. 48). The Court has considered the  
15 pleadings filed in support of and in opposition to the motion and the remainder of the file  
16 and hereby grants the motion for the reasons stated herein.

17 **I. PROCEDURAL HISTORY**

18 On September 25, 2015, Plaintiff Todd Wodja ("Wodja") filed a class action  
19 complaint against WSECU asserting claims for breach of contract, violation of the  
20 Washington Consumer Protection Act ("CPA"), RCW Chapter 19.86, unjust  
21 enrichment/restitution, money had and received, negligence, and Electronic Funds  
22 Transfer Act, 15 U.S.C. 1693 *et seq.* Dkt. 1.

1 On March 10, 2016, Wodja filed a second amended complaint (“SAC”) asserting  
2 claims for breach of contract, unjust enrichment/restitution, and money had and received.  
3 Dkt. 31.

4 On March 25, 2016, WSECU filed a motion to dismiss. Dkt. 32. On June 9,  
5 2016, the Court granted the motion in part and denied the motion in part ruling on the  
6 scope of the parties’ contract and dismissing Wodja’s extra-contractual claims in light of  
7 the contract. Dkt. 36.

8 On July 1, 2016, the Court issued a scheduling order setting trial for September  
9 12, 2017 and other pretrial deadlines. Dkt. 42.

10 On August 17, 2016, WSECU moved to dismiss for lack of subject matter  
11 jurisdiction. Dkt. 48. On September 6, 2016, Wodja responded. Dkt. 54. On September  
12 9, 2016, WSECU replied. Dkt. 56.

## 13 II. DISCUSSION

14 WSECU argues that the Court should dismiss Wodja’s complaint under the Class  
15 Action Fairness Act’s home-state controversy exception, 28 U.S.C. § 1332(d)(4)(B), and  
16 should decline to exercise supplemental jurisdiction over Wodja’s remaining state law  
17 claim. With regard to the former, WSECU has shown that Wodja’s claims meet this  
18 exception because 90% of the members of the alleged class reside in Washington and  
19 WSECU’s principal place of business is in Washington. Dkt. 50, ¶¶ 6–7; *Bridewell-*  
20 *Sledge v. Blue Cross of California*, 798 F.3d 923, 928–29 (9th Cir. 2015). Wodja failed  
21 to respond to this argument, which the Court considers as an admission that the argument  
22 has merit. Local Rules, W.D. Wash. LCR 7(b)(2). Moreover, WSECU has sufficiently

1 shown that the Court should decline to exercise jurisdiction over this alleged class action.

2 Thus, the Court grants WSECU's motion on this issue.

3 With regard to supplemental jurisdiction, the Court also agrees with WSECU.

4 Although Wodja argues that the Court should exercise its discretion and retain  
5 jurisdiction over his state law claim, it is unclear whether supplemental jurisdiction may  
6 trump the home-state controversy exception. *Bridewell-Sledge*, 798 F.3d at 928 ("If the  
7 [home-state controversy] conditions are met, a district court is *required* to remand the  
8 class action back to the originating state court."). Regardless, the Court declines to  
9 exercise its discretion to retain jurisdiction. While the Court has made a preliminary  
10 ruling as to the scope of the parties' contract, that is an insufficient reason to retain  
11 jurisdiction. Moreover, the case is in an early stage of the proceedings, especially in light  
12 of the class action nature of the matter. If Wodja refiles in state court, neither the  
13 discovery nor his efforts in researching his class action issues will be wasted. Therefore,  
14 the Court grants WSECU's motion on this issue as well.

15 **III. ORDER**

16 Therefore, it is hereby **ORDERED** that WSECU's motion to dismiss (Dkt. 48) is  
17 **GRANTED**, Wodja's state law claim is **DISMISSED**, and the Clerk shall close the case.

18 Dated this 26th day of September, 2016.

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BENJAMIN H. SETTLE  
21 United States District Judge  
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