

Slip Copy, 2015 WL 627207 (W.D.Wash.)
(Cite as: 2015 WL 627207 (W.D.Wash.))

Only the Westlaw citation is currently available.

United States District Court, W.D. Washington,
at Seattle.
FRESH START SUBS COMPANY, d/b/a
Subway, Plaintiff,
v.
The HARTFORD FINANCIAL SERVICES, Inc.; Sentinel Insurance Company
Ltd, Defendant.

No. C14-1861 TSZ.
Signed Feb. 12, 2015.

David P. Roosa, Friedman Rubin, Seattle, WA, Henry G. Jones, Friedman Rubin, Bremerton, WA, for Plaintiff.

Jillian M. Hinman, Matthew S. Adams, Forsberg & Umlauf, Seattle, WA, for Defendants.

MINUTE ORDER

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

(1) Plaintiff's Motion to Remand, docket no. 6, is GRANTED. Plaintiff's complaint alleges special damages of \$29,301.36, together with a request for an enhancement of actual damages. The prospect of enhancement damages is too speculative to consider in determining whether the jurisdictional amount of \$75,000 is satisfied. *Patrick v. Coscto Wholesale Corp.*, 2013 WL 685892 (D.Ariz.2013). A defendant's conclusory argument that the court has jurisdiction does not overcome the presumption against removal jurisdiction. *See*

SAK v. State Farm Ins. Co., 2013 WL 4094350 (W.D.Wa.2013). Defendants' reliance on the recent case of *Dart Cherokee Basin Operating Co., LLC v. Owens*, — U.S. —, 135 S.Ct. 547, — L.Ed.2d —, 2014 WL 7010692 (Dec. 15, 2014) is misplaced. Evidence of the jurisdictional amount must be shown by the defendant when the plaintiff or the court challenges jurisdiction.

(2) The Court declines to award Plaintiff costs or attorney's fees as a result of removal. *See* 28 U.S.C. § 1447(c).

(3) The Clerk is directed to send a copy of this Minute Order to all counsel of record.

W.D.Wash.,2015.
Fresh Start Subs Co. v. Hartford Financial Services
Slip Copy, 2015 WL 627207 (W.D.Wash.)

END OF DOCUMENT