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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ILYA MIRONOV, an individual,

Plaintiff,

vs.

PHH MORTGAGE CORPORATION, a
New Jersey Corporation,

Defendant.

Case No.: 2:22-cv-00416

NOTICE OF REMOVAL

TO: Clerk of the Court

AND TO: All Parties

Please take notice that Defendant PHH Mortgage Corporation (“Defendant PHH”) hereby removes the case now pending in the King County Superior Court, assigned Case No. 22-2-02913-7 SEA, to the United States District Court for the Western District of Washington, pursuant to 28 U.S.C. §§ 1332 and 1446. Defendant PHH appears for the purpose of removal only and for no other purpose, and reserves all defenses and rights available to it. Defendant PHH does not waive any defenses, including improper venue. In support of this Notice of Removal, Defendant PHH states as follows:

NOTICE OF REMOVAL

CASE NO.

Page 1

Houser LLP

600 University St., Ste. 1708

Seattle, WA 98101

PH: (206) 596-7838

FAX: (206) 596-7839

1 The Plaintiff's Complaint states that he is entitled to contractual benefits and extra-
2 contractual remedies. Plaintiff has pled contractual and extra-contractual claims that place the
3 value of the case at greater than \$75,000. Here, the amount in controversy exceeds \$75,000.00
4 because the Plaintiff has explicitly made a claim for economic damages equal to or greater than
5 \$39,893.97 and has pled a cause of action seeking treble damages under RCW 19.86 *et seq* that
6 place the case value above the amount in controversy threshold.

7 The requirement for diverse citizenship is also met. Plaintiff is a citizen and resident of
8 Washington. Defendant PHH is a corporation organized under the laws of the state of New Jersey,
9 with its principal place of business in New Jersey. Therefore, under 28 U.S.C. § 1332(c)(1),
10 Defendant PHH is a citizen of New Jersey for diversity purposes.

11 **III. TIMING OF REMOVAL**

12 Defendant PHH's removal herein is timely. Pursuant to 28 U.S.C. § 1446(b), notice of
13 removal is timely filed "within thirty days after receipt by the defendant, through service or
14 otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action
15 or proceeding is based." *Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 354
16 (1999).

17 The thirty-day time period in which the defendant must remove the case is determined
18 through examination of the four corners of the applicable pleadings. *Harris v. Bankers Life &*
19 *Cas. Co.*, 425 F.3d 689, 694 (9th Cir. 2005). In such case, notice of removal may be filed within
20 thirty days after receipt by the defendant, of a copy of an amended pleading, motion order, or
21 other paper from which it may first be ascertained that the case is one which is or has become
22 removable. 28 U.S.C. § 1446 (b).

1 Here, the Affidavit of Process Server provided by the Plaintiff reflects that a copy of the
2 Complaint, Order Setting Case Schedule and Case Information Cover Sheet were personally
3 served on an agent of Defendant PHH authorized to receive service of process on or about March
4 1, 2022. Accordingly, the removal of proceedings is timely.

5 **IV. VENUE**

6 Removal to the United States District Court for the Western District of Washington, is
7 appropriate because the Superior Court of King County, Washington is within this Court's District
8 and Division. *See* 28 U.S.C. §1446(a). That said, Defendants reserve all defenses, including the
9 right to challenge improper venue.

10 **V. NOTIFICATION TO STATE COURT OF REMOVAL**

11 Contemporaneously with the filing of this Notice of Removal, counsel for Defendant PHH
12 is serving written notice on the Plaintiff and filing the same with the Clerk of the Superior Court
13 of King County, Washington, as required by 28 U.S.C. § 1446(d). Decl. ¶ 4.

14 **VI. STATE COURT FILINGS ATTACHED**

15 Pursuant to 28 U.S.C. § 1446(a), true and accurate copies of all process, pleadings and
16 orders received by Defendants and filed in the State Court Action are attached as **Exhibit 1**.

17 The removal of this action terminates all potential proceedings in King County Superior
18 Court. *See* 28 U.S.C. § 1446(d).

19 **VII. CONCLUSION**

20 Defendant PHH respectfully gives notice that the above-entitled action is removed from
21 the Superior Court of King County, Washington, to the United States District Court for the
22 Western District of Washington.

1 Dated: April 1, 2022.

2 **HOUSER LLP**

3 By: *s/ Nicholas A. Reynolds*

4 Nicholas A. Reynolds (WSBA 44935)
5 nreynolds@houser-law.com

6 By: *s/ Robert W. Norman, Jr.*

7 Robert W. Norman, Jr. (WSBA 37094)
8 bnorman@houser-law.com
9 Attorneys for Defendant PHH Mortgage
10 Corporation
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CERTIFICATE OF SERVICE

I the undersigned declare as follows: I am over the age of 18 years and am not a party to this action. On April 1, 2022, I served the foregoing document(s): NOTICE OF REMOVAL in the manner described below:

Reed Yurchak
Law Office of Reed Yurchak
620 131st Avenue NE
Bellevue, WA 98005
reed@yurchaklaw.com
Attorneys for Plaintiff

- U.S. Mail, Postage Prepaid
- E-mail/KC E-Service
- UPS 2 Day Shipping
- Courier

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: April 1, 2022

s/ Jasmine Blanco
Jasmine Blanco