HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CINDY MURPHY and ERIKA MCINNIS, *on their own behalf and on behalf of all others similarly situated*,

Plaintiffs,

v.

H&M FASHION USA INC.,

Defendant.

Case No. 2:25-cv-02382-RAJ

ORDER TO SHOW CAUSE

THIS MATTER comes before the Court upon: (1) the responses of Plaintiffs and Defendant H&M Fashion USA, Inc. ("H&M") to the Court's September 11, 2026 Order to Show Cause, and (2) H&M's Motion to Dismiss Plaintiffs' Amended Complaint. Dkt. Nos. 27, 32–34. The Court ordered the parties to show cause (1) why this case should not be remanded to King County Superior Court for lack of subject matter jurisdiction; and (2) why this case should not be stayed pending the resolution of the appeal in *Montes v. Catalyst Brands LLC*, No. 2:25 cv-281-TOR, 2025 WL 3485827, *2–3 (E.D. Wash. Dec. 4, 2025), currently proceeding as *Montes v. Penney Opco, LLC*, No. 26-241 (9th Cir.) ("*Montes II*"). The parties' responses to indicate no opposition to a stay. Dkt. No. 33 at 3, Dkt. No. 34 at 4–5.

Accordingly, this matter is **STAYED** pending the Ninth Circuit's resolution of *Montes II*. H&M's Motion to Dismiss Plaintiffs' Amended Complaint, Dkt. No. 27, is **DENIED WITHOUT PREJUDICE** to refile following the Ninth Circuit's decision in *Montes II*, as applicable. The parties shall submit a joint status report within 14 days of the Ninth Circuit's decision.

Dated this 24th day of September, 2026.



The Honorable Richard A. Jones
United States District Judge