

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 26 2017

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

FREDERICK T. BREWSTER,

No. 12-35561

Plaintiff-Appellee,

D.C. No. 3:11-cv-05597-RBL

v.

MEMORANDUM*

WACHOVIA MORTGAGE, FSB,

Defendant,

and

WELLS FARGO BANK, NA,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Washington
Ronald B. Leighton, District Judge, Presiding

Submitted October 23, 2017**

Before: McKEOWN, WATFORD, and FRIEDLAND, Circuit Judges.

Wells Fargo Bank, NA, appeals from the district court's order awarding it

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

\$5,000 in attorney's fees and costs on its motion for an attorney's fees award in the amount of \$29,561.40. We have jurisdiction under 28 U.S.C. § 1291. We vacate and remand.

We are unable to review the district court's order awarding attorney's fees to Wells Fargo because the district court did not provide an adequate explanation for its decision. *See Carter v. Caleb Brett LLC*, 757 F.3d 866, 868-69 (9th Cir. 2014) (a district court is required to reach attorney's fee decisions by considering the factors set forth in *Kerr v. Screen Extras Guild, Inc.*, 526 F.2d 67, 70 (9th Cir. 1975) and "must also explain how it arrived at its determination with sufficient specificity to permit an appellate court to determine whether the district court abused its discretion in the way the analysis was undertaken." (citation and internal quotation marks omitted)). We vacate the district court's order awarding attorney's fees and remand for the district court to articulate the basis for its fee determination with sufficient specificity.

The parties shall bear their own costs on appeal.

VACATED and REMANDED.