

1 **WO**

2 **NOT FOR PUBLICATION**

3

4

5

6 IN THE UNITED STATES DISTRICT COURT

7

FOR THE DISTRICT OF ARIZONA

8

9 AOM Group, LLC, Trustee of Goodyear)  
10 Land Trust, James Scrivano and Jeri R.)  
Scrivano Beneficiaries,

No. CV-10-00514-PHX-GMS

11

Plaintiff,

**ORDER**

12

vs.

13

Countrywide Home Loans, Inc., *et al.*,

14

Defendants.

15

16

17 Pending before the Court is Plaintiff’s Emergency Motion to Remand and Request for  
18 an Award of Attorney Fees and Costs. (Dkt. # 8.) For the following reasons, the Court denies  
19 the Motion and the requested attorney fees.

20 **DISCUSSION**

21

22 On February 2, 2010, Plaintiff AOM Group (“Plaintiff”) filed a Complaint in  
23 Maricopa State Court alleging eighteen causes of action against the following defendants:  
24 Countrywide Home Loans, Inc.; Fidelity National Title Insurance Company; Perry and  
25 Shapiro, LLP; Recontrust Company; Mortgage Electronic Registration Systems, Inc.; Ocwen  
26 Loan Servicing, LLC; and Federal Home Loan Mortgage Corporation (otherwise known as  
27 “Freddie Mac”). (Dkt # 8, Ex. A at 1.) Defendants subsequently filed a Notice of Removal,  
28 alleging that this Court has federal question jurisdiction pursuant to 28 U.S.C. § 1331. (Dkt.  
# 1.)

1 Federal district courts have original jurisdiction in actions “arising under the  
2 Constitution, laws, or treaties of the United States.” 28 U.S.C. § 1331. For purposes of  
3 removal jurisdiction, the Court must look at the case as of the time of removal. *See Wisconsin*  
4 *Dept. Of Corrections v. Schacht*, 525 U.S. 381, 390 (1998). When this case was removed  
5 from Maricopa County Superior Court, Plaintiff explicitly alleged that Defendants violated  
6 five federal statutes: (1) the Home Equity Protection Act, 15 U.S.C. § 1639 *et seq.*; (2) the  
7 Real Estate Settlement Procedures Act, 12 U.S.C. § 2601 *et seq.*; (3) the Truth-in-Lending  
8 Act, 15 U.S.C. § 1605 *et seq.*; (4) the Fair Credit Reporting Act, 15 U.S.C. § 1681; and (5)  
9 the Fair Debt Collection Practices Act, 15 U.S.C. 1692. And while Plaintiffs have filed an  
10 Amended Complaint, removing their federal claims (*see* Dkt. # 11), jurisdiction was still  
11 proper at the time of removal. *See Schacht*, 525 U.S. at 390.

12 Additionally, because Plaintiff alleged its claims against Freddie Mac, removal of this  
13 action to federal court was proper under 12 U.S.C. § 1452(f). *See Am. Bankers Mortg. Corp.*  
14 *v. Fed. Home Loan Mortg.*, 75 F.3d 1401, 1408 (9th Cir. 1996) (observing that federal courts  
15 have original jurisdiction over civil actions involving Freddie Mac); *see also Ely Valley*  
16 *Mines, Inc. v. Hartford Accident and Indem. Co.*, 644 F.2d 1310, 1314–15 (9th Cir. 1981)  
17 (holding that a federal officer or agency may unilaterally remove an entire case to federal  
18 court under 28 U.S.C. § 1442).

19 Accordingly, Plaintiff’s Motion to Remand is without merit. Nevertheless, because  
20 federal courts are required to remand cases when it becomes clear that they lack subject-  
21 matter jurisdiction, *see* 28 U.S.C. § 1447(c), the Court will deny Plaintiff’s Motion without  
22 prejudice to its refileing should it become clear that the Court lacks jurisdiction over this  
23 matter.

24 **IT IS THEREFORE ORDERED** that Plaintiffs Motion for Remand is **DENIED**  
25 without prejudice.

26 ///

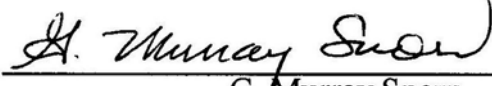
27 ///

28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**IT IS FURTHER ORDERED** that Plaintiff's Request for an Award of Costs and Attorney Fees is **DENIED**.

DATED this 11th day of March, 2010.

  
\_\_\_\_\_  
G. Murray Snow  
United States District Judge