

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION

CARLA GIBSON, WINDELL LAWSON,
JOYCE POWELL, JEFF ROGERS,
LEE WARDEN, KATHY WOODS, and
LILLIE WOODS, on behalf of themselves
and all others similarly situated

PLAINTIFFS

V.

CIVIL NO. 1:13-cv-1040

CLEAN HARBORS ENVIRONMENTAL
SERVICES, INC.

DEFENDANT/
THIRD-PARTY PLAINTIFF

V.

BIOLAB, INC.

THIRD-PARTY DEFENDANT

ORDER

Before the Court is Plaintiffs' Motion for Attorneys' Fees pursuant to 28 U.S.C. § 1447(c). (ECF No. 27). Defendant BioLab, Inc. has responded. (ECF No. 29). The Court finds the matter ripe for consideration.

Under § 1447(c), a district court "may require payment of just costs and actual expenses, including attorney fees, incurred as a result of the removal." 28 U.S.C. § 1447(c). As the permissive language of the statute makes clear, the decision to award attorney fees rests within the sound discretion of the district court. *GreatAmerica Leasing Corp. v. Rohr-Tippe Motors, Inc.*, 394 F.Supp.2d 1058, 1061 (N.D. Iowa 2005). "Absent unusual circumstances, courts may award attorneys' fees under § 1447(c) only where the removing party lacked an objectively reasonable basis for seeking removal. Conversely, when an objectively reasonable basis exists, fees should be denied." *Martin v. Franklin Capital Corp.*, 546 U.S. 132, 141 (2005). Upon

consideration of the issues presented in this case, the Court finds that an award of attorneys' fees and costs would be inappropriate. Accordingly, the Court finds that Plaintiffs' Motion for Attorneys' Fees (ECF No. 27) should be and hereby is **DENIED**.

IT IS SO ORDERED, this 7th day of April, 2014.

/s/ Susan O. Hickey
Susan O. Hickey
United States District Judge