

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MEMORANDUM

JS 6

Case No. CV 17-1098 DSF (KSx)

Date 3/24/17

Title Robert Kerns v. Portfolio Recovery Associates, LLC

Present: The
Honorable

DALE S. FISCHER, United States District Judge

Debra Plato

Not Present

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: (In Chambers) Order GRANTING Motion to Remand; Order DENYING Request for Fees

Plaintiff’s motion to remand was filed on February 27, 2017 with a hearing date of April 3. Opposition was due March 13. No opposition has yet been filed. The Court deems this matter appropriate for decision without oral argument. See Fed. R. Civ. P. 78; Local Rule 7-15. The hearing set for April 3, 2017 is removed from the Court’s calendar.

The Court deems the lack of opposition to be consent to the motion. L.R. 7-12; see also Ghazali v. Moran, 46 F.3d 52 (9th Cir. 1995); Brydges v. Lewis, 18 F.3d 651, 652 (9th Cir. 1994). The motion to remand is GRANTED. The case is REMANDED to the Superior Court of California, County of Los Angeles. The request for fees is DENIED because the form complaint appeared to state a federal claim and it was not objectively unreasonable for Defendant to have removed the case. Martin v. Franklin Capital Corp., 546 U.S. 132, 141 (2005).

IT IS SO ORDERED.