

JS-6

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

JASON L. ALAN,

Plaintiff,

v.

DESIGNED RECEIVABLE SOLUTIONS
INC., et al.,

Defendants.

Case No. CV 17-5421 FMO (ASx)

ORDER RE: REMAND

The court has reviewed the parties' responses to the Court's Order to Show Cause Re: Supplemental Jurisdiction. (Dkt. 17, "OSC"). Given the parties' agreement to remand of the action, (see 18, Plaintiff's Response to Order to Show Cause (Dkt. 18, "Plf. Response") at 2-6); Dkt. 19, [Defendants'] Response to Order to Show Cause at ¶ 7), the court will remand the action. To the extent plaintiff seeks fees pursuant to 28 U.S.C. § 1447(c)¹ (see Dkt. 18, Plf. Response at 2-4), it is without merit. "Absent unusual circumstances, courts may award attorney's fees under § 1447(c) only where the removing party lacked an objectively reasonable basis for seeking removal." Martin v. Franklin Capital Corp., 546 U.S. 132, 141, 126 S.Ct. 704, 711) (2005). Here, defendants properly removed the action based on federal question jurisdiction because plaintiff

¹ Section 1447(c) provides in relevant part that "[a]n order remanding the case may require payment of just costs and any actual expenses, including attorney fees, incurred as a result of the removal." 28 U.S.C. § 1447(c).

1 asserted a claim pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692, et seq.
2 (See Dkt. 1, Notice of Removal at ¶ 5; Exh A, Complaint).

3 **This Order is not intended for publication. Nor is it intended to be included in or**
4 **submitted to any online service such as Westlaw or Lexis.**

5 **CONCLUSION**

6 Based on the foregoing, IT IS ORDERED THAT:

- 7 1. The above-captioned action shall be **remanded** to the Superior Court of the State of
8 California for the County of Ventura, 3855-F Alamo Street, Simi Valley, California 93063.
9 2. The Clerk shall send a certified copy of this Order to the state court.

10 Dated this 18th day of September, 2017.

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14 Fernando M. Olguin
15 United States District Judge
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