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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

THE PEOPLE OF THE STATE OF  
CALIFORNIA, by and through San Francisco  
City Attorney Dennis J. Herrera,

Plaintiff,

v.

MARTIN R. GUAJARDO, CHRISTOPHER  
STENDER, and IMMIGRATION PRACTICE  
GROUP, P.C.,

Defendants.

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No. C 10-05658 WHA

**ORDER DENYING PLAINTIFF'S  
MOTION FOR ATTORNEY'S  
FEES AND COSTS**

Plaintiff filed a motion to remand, which has been granted by separate order. Concurrent to filing its reply brief, plaintiff also filed a motion for attorney's fees and costs. "An order remanding [a] 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). Plaintiff requests \$8493.75 in fees and costs, which were incurred in getting this action sent back to state court after defendants' removal.

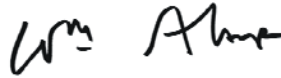
"Absent unusual circumstances, courts may award attorney's fees under § 1447(c) only where the removing party lacked an objectively reasonable basis for seeking removal. Conversely, when an objectively reasonable basis exists, fees should be denied." *Martin v. Franklin Capital Corp.*, 546 U.S. 132, 141 (2005) (citations omitted).

Defendants had an objectively reasonable basis for seeking removal. Plaintiff's complaint concerns practitioners who solely practice before federal immigration courts and

1 agencies and solely provide legal advice concerning immigration matters. Plaintiff's counsel  
2 conceded at oral argument that immigration practice is regulated exclusively by federal courts,  
3 yet the gravamen of the complaint is that defendants have committed a fraud on the public in  
4 violation of state law. Remand was granted for that reason. But defendants were not out of line  
5 to argue that federal courts have an interest in this action that would warrant federal jurisdiction.  
6 As such, they had an objectively reasonable basis for removal, and plaintiff's motion for fees  
7 and costs should be and is **DENIED**. The hearing on the motion is **VACATED**.

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9 **IT IS SO ORDERED.**

10 Dated: January 21, 2011.



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12 WILLIAM ALSUP  
13 UNITED STATES DISTRICT JUDGE  
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