

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

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

<p>CUDBERTO CHAVEZ,</p> <p style="padding-left: 40px;">Plaintiff,</p> <p style="padding-left: 40px;">v.</p> <p>AMERICA'S WHOLESALE LENDER, et al.,</p> <p style="padding-left: 40px;">Defendants.</p>	<p>)</p>	<p>Case No. 11-2071 SC</p> <p>ORDER REMANDING ACTION TO SAN MATEO COUNTY SUPERIOR <u>COURT</u></p>
---	--	--

Plaintiff has moved to remand this action to the Superior Court of California for San Mateo County. ECF No. 10 ("Mot."). Defendants initially opposed the Motion, ECF No. 14 ("Opposition"), but later withdrew their opposition, ECF No. 21. As Defendants have consented to remand and good cause has been shown, the Court hereby GRANTS Plaintiff's Motion to Remand.

Plaintiff has also sought the award of attorneys' fees and costs in conjunction with the preparation of the Motion pursuant to 28 U.S.C. § 1447. The statute 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). "Absent unusual circumstances, courts may award attorney's fees under § 1447(c) only where the removing party lacked an objectively reasonable

1 basis for seeking removal." Martin v. Franklin Capital Corp., 546
2 U.S. 132, 141 (2005). Here, the Court finds that the arguments
3 appearing in Defendants' Opposition, though withdrawn, are not
4 objectively unreasonable. Plaintiff's request for fees and costs
5 is therefore denied.

6 This action is hereby REMANDED to the Superior Court of
7 California for San Mateo County.

8

9

10 IT IS SO ORDERED.

11

12 Dated: September 9, 2011

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28



UNITED STATES DISTRICT JUDGE