

1
2
3 IN THE UNITED STATES DISTRICT COURT
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA
5

6 GUIDETECH, LLC,

7 Plaintiff,

8 v.

9 BRILLIANT INSTRUMENTS, INC.; and
10 SHALOM KATTAN,

11 Defendants.
12 _____/

No. C 10-05669 CW

ORDER REMANDING
CASE TO SANTA
CLARA COUNTY
SUPERIOR COURT

13
14 On March 8, 2011, the Court granted Plaintiff GuideTech, LLC's
15 motion to remand this action to Santa Clara County Superior Court
16 and for attorneys' fees for improper removal. The Court stayed its
17 Order for three days to allow the parties to discuss whether
18 Plaintiff may bring its claims in this action as counterclaims in
19 Brilliant Instruments, Inc. v. GuideTech, LLC, Case No. C 09-5517
20 CW (N.D. Cal.). The parties were required to indicate, by March
21 11, 2011, whether they reached an agreement. The parties did not
22 respond to the Court's Order.

23 Accordingly, the Clerk shall remand this action to Santa Clara
24 County Superior Court. Because Defendants Brilliant Instruments,
25 Inc., and Shalom Kattan lacked an objectively reasonable basis to
26 remove this case, they shall remit to Plaintiff \$3,375.00 for
27 attorneys' fees it incurred as a result of the removal. Defendants
28 shall pay this amount forthwith.

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

The initial case management conference set for March 15, 2011
is VACATED.

IT IS SO ORDERED.

Dated: March 14, 2011



CLAUDIA WILKEN
United States District Judge