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2
3 UNITED STATES DISTRICT COURT
4 NORTHERN DISTRICT OF CALIFORNIA
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7 SEUNG MINN,

8 Plaintiff,

No. C 14-2220 PJH

9 v.

**ORDER DENYING MOTION FOR
ATTORNEYS' FEES, REMANDING
CASE, AND VACATING HEARING**

10 ALLIANZ ASSET MANAGEMENT OF
11 AMERICA L.P., et al.,

12 Defendants.
_____ /

13 Before the court is plaintiff's motion to remand and for attorneys' fees and costs.
14 The parties have filed a stipulation indicating that they have now agreed to remand the
15 case to state court. The parties also request that this court "retain[] jurisdiction over
16 plaintiff's motion for attorneys' fees." Instead, the court will address both the motion to
17 remand and the motion for attorneys' fees in this order.

18 As to the motion to remand, the parties jointly request that the case be remanded,
19 and the court hereby grants the request, and REMANDS the case to state court. The court
20 will separately enter the stipulation submitted by the parties.

21 As to the motion for attorneys' fees, in order to establish entitlement to fees, plaintiff
22 must show that defendants "lacked an objectively reasonable basis for seeking removal."
23 Martin v. Franklin Capital Corp., 546 U.S. 132, 141 (2005). While the court finds that
24 defendants' argument for removal was weak, it does not agree with plaintiff that it "lacked
25 an objectively reasonable basis." The parties agree, and indeed, this court has noted that
26 "[t]he Ninth Circuit has not spoken on the issue." In re Segovia, 404 B.R. 896, 917 (N.D.
27 Cal. 2009). In the absence of any Ninth Circuit authority, the court cannot find that
28 defendants acted unreasonably in seeking to remove this case. Thus, plaintiff's motion for

1 attorneys' fees is DENIED.

2 Finally, the court VACATES the July 9, 2014 hearing scheduled on the motions, in
3 part to avoid the incurrence of additional attorneys' fees.

4 **IT IS SO ORDERED.**

5 Dated: July 8, 2014



6 PHYLLIS J. HAMILTON
7 United States District Judge
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