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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BRITTNEY DEROSIER,

Plaintiff,

v.

GLOBAL HAWK INSURANCE  
COMPANY (RRG),

Defendant.

Case No. [4:16-cv-06069-KAW](#)

**ORDER CONVERTING PLAINTIFF'S  
MOTION FOR RECONSIDERATION  
INTO MOTION FOR ATTORNEYS'  
FEES; ORDER CONTINUING  
HEARING; ORDER TO SHOW CAUSE;  
ORDER DENYING DEFENDANT'S  
REQUEST FOR SANCTIONS**

Re: Dkt. No. 20

On January 13, 2017, Defendant filed an opposition to Plaintiff's motion for reconsideration of the denial of attorneys' fees in connection with the granting of the motion to remand to state court. (Dkt. No. 24.) Therein, Defendant argued that reconsideration is unavailable for cases remanded for lack of subject matter jurisdiction pursuant to 28 U.S.C. § 1447(c). *Id.* at 1. Defendant is correct that orders remanding cases to state court are not reviewable. Plaintiff, however, was not seeking reconsideration of the remand. Rather, she was seeking reconsideration of the denial of reasonable attorneys' fees and costs. Indeed, the Court retains "jurisdiction to consider a motion for sanctions filed after an action has been remanded to state court." *City of Santa Rosa v. Patel*, 2007 WL 2790687, at \*2 (N.D. Cal. Sept. 25, 2007) (citing *Moore v. Permanente Medical Group, Inc.*, 981 F.2d 443, 445 (9th Cir. 1992)). While the Court initially denied Plaintiff's request for sanctions, in light of information that has since come to the Court's attention, the undersigned hereby CONVERTS the motion for reconsideration into a renewed motion for attorneys' fees and costs under 28 U.S.C. § 1447(c).

The Court is concerned that defense counsel Dominic G. Flamiano misrepresented Defendant's citizenship, despite having filed a 2015 lawsuit in this district that clearly stated that Defendant was a citizen of California. *See* Compl. ¶ 1, *Global Hawk Ins. Co. (RRG) v. Vega*, 15-

1 cv-02093-YGR (May 8, 2015), ECF No. 1. That this was brought to the Court's attention after  
2 Plaintiff's request for attorneys' fees was initially denied is not a result of a lack of due diligence.  
3 Accordingly, Mr. Flamiano is ORDERED TO SHOW CAUSE on or before February 17, 2017  
4 why he should not be personally sanctioned under 28 U.S.C. § 1927 and/or the Court's inherent  
5 powers, and why he should not be referred to the Northern District's Standing Committee on  
6 Professional Conduct. The response to the order to show cause shall not exceed five pages.

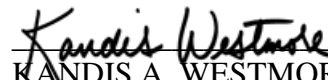
7 As Defendant declined to address the merits of Plaintiff's arguments for attorneys' fees  
8 and costs in its initial opposition, it is permitted to file an opposition on the merits on or before  
9 February 17, 2017. Plaintiff may file a reply on or before February 24, 2017.

10 The Court finds that the renewed motion for attorneys' fees and costs is not frivolous.  
11 Therefore, Defendant's request for sanctions is DENIED. (*See* Dkt. No. 24 at 3.)

12 The hearings on the order to show cause and the renewed motion for attorneys' fees and  
13 costs will be held on March 16, 2017 at 11:00 a.m. in Courtroom 4, 1301 Clay Street, Oakland,  
14 California. Mr. Flamiano shall personally appear.

15 IT IS SO ORDERED.

16 Dated: January 26, 2017

17   
18 KANDIS A. WESTMORE  
United States Magistrate Judge