

United States District Court
Northern District of California

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

SALESHNI CHAND,
Plaintiff,

vs.

**EXPERIAN INFORMATION SOLUTIONS, INC.,
ET AL.,**

Defendants.

CASE NO. 16-cv-06311-YGR

**ORDER DENYING MOTION OF DEFENDANT
EXPERIAN FOR ATTORNEYS' FEES**


Re: Dkt. No. 39

Defendant Experian filed a motion for attorneys' fees on January 24, 2017, arguing that fees should be awarded pursuant to either 28 U.S.C. § 1927 or the Court's inherent authority as a result of having to respond to the flawed complaint even after notifying plaintiff's counsel of the problems. (Dkt. No. 39.) The Court, on March 30, 2017, Court issued a tentative order indicating that it was inclined to grant the request for attorneys' fees. Counsel for plaintiff submitted a supplemental filing addressing the motion for attorneys' fees and requested a hearing. Experian file a response. On May 10, 2017, the Court held a hearing on the motion.

The Court having considered the arguments of the parties and the pleading at issue in the motion, **DENIES** the Motion for Attorneys' Fees. The Court is persuaded that plaintiff's counsel's errors in the drafting of the complaint which identified the incorrect chapter of the bankruptcy code in certain paragraphs, while demonstrating a lack of care, do not constitute the kind of willful improper conduct that would demonstrate recklessness or bad faith sufficient to warrant imposition of sanctions under 28 U.S.C. section 1927. *See Fink v. Gomez*, 239 F. 3d 989, 992-94 (9th Cir. 2001).

IT IS SO ORDERED.

Dated: May 26, 2017



YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE