BACKGROUND

The facts and procedural history of this case are familiar to the Court and parties. The Court's Order granting Plaintiff's Motion for Remand outlines in detail the relevant facts and procedural history. Any *critical* facts or procedural history is noted in the Court's analysis below.

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DISCUSSION

Section 1447(c) of Title 28 of the United States Code authorizes the award of "just costs and any actual expenses, including attorney fees, incurred as a result of the removal." "Absent unusual circumstances, courts may award attorney's fees under [section 1447(c)] only where the removing party lacked an objectively reasonable basis for seeking removal." *Martin v. Franklin Capital Corp.*, 546 U.S. 132, 141 (2005).

As reflected in the Remand Order, Defendants had no objectively reasonable basis for seeking removal. (Doc. No. 4.) Accordingly, the Court awarded Carrillo attorneys' fees pursuant to 28 U.S.C. § 1447(c).

Carrillo now seeks \$2,271.50 for attorney's fees that have been incurred as a result of the improper removal. In support, Carrillo provides the declaration of Attorney Rachael Callahan. (Doc. No. 5-2.) Ms. Callahan avers that between her and contract Attorney Michael G. Olinik, "7.7 work hours" were incurred preparing the Motion to Remand and Motion for Attorneys' Fees. (Callahan Decl., ¶ 14.)

Motion to Remand

Attorney Olinik: 4.2 hours preparing the motion. (Olinik Decl., \P 9.) Attorney Callahan: .5 hours revising the motion and preparing it for filing. (Callahan Decl., \P 11.)

Motion for Attorneys' Fees

Attorney Olinik: 2.5 hours preparing the motion. (Olinik Decl., \P 10.) Attorney Callahan: .5 hours revising the motion and preparing it for filing. (Callahan Decl, \P 12.)

District Courts calculate awards for attorneys' fees using the "lodestar" method. See Caudle v. Bristow Optical Co., Inc., 224 F.3d 1014, 1028 (9th Cir. 2000); Morales v. City of San Rafael, 96 F.3d 359, 363 (9th Cir. 1996). "The 'lodestar' is calculated by multiplying the number of hours the prevailing party reasonably expended on the litigation by a reasonable hourly rate." Morales, 96 F.3d at 363. In determining reasonable fees, courts look to the prevailing market rates in the community in which the

court sits. Schwarz v. Sec'y of Health & Human Servs., 73 F.3d 895, 908 (9th Cir. 1995); see also Camancho v. Bridgeport Fin., Inc., 523 F.3d 973, 979 (9th Cir. 2008).

Ms. Callahan has been practicing law for approximately seven years and her hourly rate is \$295 per hour. (Id., ¶ 5.) Mr. Olinik has been practicing law for approximately nine years and has previously been approved at a rate of \$350 per hour in the San Diego Superior Court. (Olinik Decl., ¶ 8.) These rates are reasonable in this community.

Notably, Defendants did not respond to Carrillo's Motion to Remand or address the issue of attorneys' fees in any manner. The fact that the Defendants failed to oppose either motion implies that they recognized the meritless nature of the removal.¹

The Court finds that 7.7 hours for preparation and revision of the Plaintiff's Motion for Remand and Motion for Attorneys' Fees is reasonable as is the hourly rate of \$295.00. Accordingly, the Court awards attorneys' fees to Carrillo from the Defendants in the amount of \$2,271.50.

CONCLUSION

The Motion for Attorneys' Fees is therefore **GRANTED**. The Court awards Carrillo \$2,271.50 in attorneys' fees.

IT IS SO ORDERED.

DATED:

ROGER F. BENITEZ

United States District Judge

¹ The case record illustrates the Defendants had no reasonable explanation for the removal action, they frustrated the summary nature of Plaintiff's unlawful detainer action and forced the prolonged expenditure of resources in both state and federal court.