

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

STEVEN BROOKS, individually and on
behalf of all similarly situated individuals,

Plaintiff,

vs.

HUALALAI INVESTORS, LLC, a
Delaware limited liability company, et al.,

Defendants.

Civ. No. 17-00364 JMS-KJM

ORDER ADOPTING
MAGISTRATE JUDGE'S
FINDINGS AND
RECOMMENDATION

**ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND
RECOMMENDATION**

On October 30, 2017, Magistrate Judge Kenneth J. Mansfield issued a Findings and Recommendation to grant Plaintiff Steven Brooks' ("Plaintiff") Motion to Remand Action to State Court ("F&R"). ECF No. 26. On November 13, 2017, Defendants Hualalai Investors, LLC and Four Seasons Hotels Limited ("Defendants") filed Objections to the F&R. ECF No. 29. On November 27, 2017, this court stayed its ruling on Defendants' Objections pending the Ninth Circuit's ruling in *Noble v. Nev. Checker CAB Corp.*, Case No. 16-16573, which raised the same dispositive issue Defendants' addressed in their Objections to the F&R. ECF No. 33.

Thereafter, the Ninth Circuit issued two rulings relevant to the instant F&R: (1) *Bassett v. ABM Parking Services*, 883 F.3d 776 (9th Cir. Feb. 21, 2018); and (2) *Noble*, 2018 WL 1223484 (9th Cir. Mar. 9, 2018) (Mem.). Based on these decisions, on March 9, 2018, the court issued an order stating its inclination to summarily adopt the F&R and directing the parties respond. ECF No. 37. On March 16, 2018, Defendants filed a Response effectively withdrawing their objections based on the recognition that in light of *Noble* and *Bassett*, “Plaintiff does not allege an actual injury under Article III of the United States Constitution, and . . . therefore this Court lacks subject matter jurisdiction over this action.” ECF No. 38 at 1-2. The court agrees.

Accordingly, pursuant to 28 U.S.C. § 636(b)(1)(C) and Local Rule 74.2, the court ADOPTS the “Findings and Recommendation to Grant Plaintiff’s

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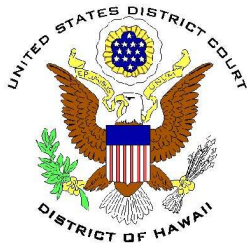
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Notice of Motion and Motion to Remand Action to State Court,” ECF No. 26. The Clerk of Court is directed to remand this action to the State of Hawaii, Circuit Court of the Third Circuit forthwith.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, March 19, 2018.



/s/ J. Michael Seabright
J. Michael Seabright
Chief United States District Judge

Brooks v. Hualalai Inv'rs, LLC, et al., Civ. No. 17-00364 JMS-KJM, Order Adopting Magistrate Judge's Findings And Recommendation