

1 construed against removal jurisdiction. *Gaus v. Miles, Inc.*, 980 F.2d 564, 566 (9th Cir. 1992).
2 “Federal jurisdiction must be rejected if there is any doubt as to the right of removal in the first
3 instance.” *Id.* (citing *Libhart v. Santa Monica Dairy Co.*, 592 F.2d 1062, 1064 (9th Cir. 1979)).
4 In evaluating diversity jurisdiction, the defendant has the burden of overcoming the “strong
5 presumption” against removal. *Gaus*, 980 F.2d at 566.

6 Under 28 U.S.C. § 1331, a federal district court has original jurisdiction over all civil
7 actions arising under the laws of the United States. See 28 U.S.C. § 1331. “The presence or
8 absence of federal-question jurisdiction is governed by the ‘well-pleaded complaint rule,’
9 which provides that federal jurisdiction exists only when a federal question is presented on the
10 face of the plaintiff’s properly pleaded complaint.” *Caterpillar Inc. v. Williams*, 482 U.S. 386,
11 392 (1987). “[A] case may not be removed to federal court on the basis of a federal defense.”
12 *Id.* at 393.

13 **III. DISCUSSION**

14 **A. Jurisdiction**

15 In its opposition, Chase contends that federal-question jurisdiction exists over any claim
16 that depends on the application of the Federal Foreclosure Bar. (Resp. 9:2–3, ECF No. 15).
17 Specifically, Chase argues that “federal question jurisdiction exists because Plaintiff’s claims
18 avoided [Chase] filing a defensive coercive action arising under federal law.” (*Id.* 4:9–10).
19 Generally, federal question jurisdiction turns on the face of the plaintiff’s well-pleaded
20 complaint. See *Franchise Tax Bd. of State of Cal. v. Constr. Laborers Vacation Trust for S.*
21 *Cal.*, 463 U.S. 1, 9–10 (1983). A narrow exception to this rule exists, however, in the context
22 of certain “coercive” actions for declaratory judgment. *Medtronic, Inc. v. Mirowski Family*
23 *Ventures, LLC*, 134 S. Ct. 843, 848 (2014).

24 This Court has previously considered and rejected the “coercive action” theory as
25 applied to 12 U.S.C. § 4617(j)(3). See *Alessi & Koenig LLC v. Fed. Nat’l Mortg. Ass’n*, No.

1 2:15-cv-01946-GMN-GWF, 2017 WL 2636044 (D. Nev. June 19, 2017); Salomon v. Fed.
2 *Nat'l Mortg. Ass'n*, No. 2:15-cv-00332-GMN-VCF, 2017 WL 1273868 (D. Nev. Mar. 31,
3 2017). Here, as in the above cited cases, the face of the Complaint contains only claims based
4 on state law, and Chase has not convincingly shown an exception to the well-pleaded complaint
5 rule. This case more closely resembles the “settled law that a case may not be removed . . . on
6 the basis of a federal defense,” than the doctrine described in *Medtronic*, where a request for
7 declaratory judgment is closely related to a viable federal coercive claim. See *Thunder Props.,*
8 *Inc. v. Treadway*, 2017 WL 899961, at *3 (D. Nev. Mar. 7, 2017) (rejecting the argument that
9 the coercive action doctrine establishes federal jurisdiction in a similar case). The Court
10 therefore finds that Chase has failed to establish federal question jurisdiction in this action.

11 **B. Attorney's Fees**

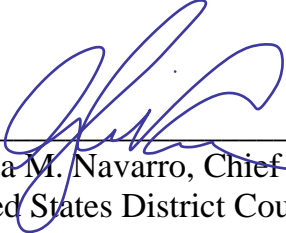
12 Grigorian requests attorney's fees pursuant to 28 U.S.C. § 1447(c). Courts may award
13 attorney's fees under § 1447(c) where the removing party lacked “an objectively reasonable
14 basis for seeking removal.” *Gardner v. UICI*, 508 F.3d 559, 561 (9th Cir. 2007). Here, Chase
15 provided a reasonable, albeit incorrect, basis for removal. The Court therefore declines to
16 award attorney's fees.

17 **III. CONCLUSION**

18 **IT IS HEREBY ORDERED** that Grigorian's Motion to Remand, (ECF No. 11), is
19 **GRANTED**.

20 **IT IS FURTHER ORDERED** that this case is **REMANDED** to the Eighth Judicial
21 District Court for the State of Nevada, County of Clark.

22 **DATED** this 13 day of October, 2017.

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Gloria M. Navarro, Chief Judge
United States District Court