

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:23-cv-00245-MOC-WCM

ALIX E. NARDONE and)
BROOKE E. STARK,)
)
Plaintiffs,) ORDER
)
v.)
)
ERIC EDEE,)
)
Defendant.)

This matter is before the Court on Plaintiffs' Notice of Withdrawal of Attorney Fee Request ("Notice," Doc. 24).

By Order entered on November 3, 2023 Order ("November 3 Order"), the Court granted Plaintiffs' Motion to Remand and awarded Plaintiffs their just costs and actual expenses, including attorney's fees, incurred as a result of Defendant's August 28, 2023 removal.

The November 3 Order directed that, on or before November 8, 2023, the parties file a stipulation as to the amount of the award or, alternatively, that Plaintiffs file sufficient materials from which the Court could determine an appropriate award.

However, no filings were made by November 8, 2023.

Plaintiffs filed the Notice on November 14, 2023, following a show cause order of the same date. In the Notice, Plaintiffs state that they now wish to withdraw their fee request, though without prejudice to their right to request that the state court, after remand, “apportion their attorneys fees and cost associated with this matter while it has been in federal court.”

IT IS THEREFORE ORDERED THAT:

1. Consistent with the November 3 Order, this matter is **REMANDED** to the Superior Court of Transylvania County, North Carolina.
2. Plaintiffs’ request, pursuant to 28 U.S.C. §1447(c), for their just costs and actual expenses, including attorney’s fees, incurred as a result of the removal of this case, is **DEEMED WITHDRAWN** and that portion of the November 3 Order that awarded such expenses is **VACATED**.

The undersigned expresses no opinion concerning Plaintiffs’ ability to seek fees and costs associated with the August 28, 2023 removal after this matter has been remanded.

Signed: November 14, 2023



W. Carleton Metcalf
United States Magistrate Judge

