IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

HOMESTREET BANK,

Plaintiff,

v.

RONALD F. BRENNEMAN, et al.,

Defendants.

Civ. No. 10-3068-CL

ORDER

PANNER, District Judge:

Magistrate Judge Mark D. Clarke filed a Report and Recommendation, and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). When either party objects to any portion of a Magistrate Judge's Report and Recommendation, the district court makes a de novo determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1)(C); McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F. 2d 1309, 1313 (9th Cir. 1981).

Here, defendants object to the Report and Recommendation, so

I have reviewed this matter de novo. I agree with Magistrate Judge Clarke that defendants failed to show this court has subject matter jurisdiction. I also agree that plaintiff is entitled to attorney's fees because defendants did not have an objectively reasonable basis for seeking removal. Accordingly, I ADOPT the Report and Recommendation of Magistrate Judge Clarke.

CONCLUSION

Magistrate Judge Clarke's Report and Recommendation (#12) is adopted. Plaintiff's motion to remand (#8) is granted. Within 11 days from the date of this order, plaintiff may submit an itemized statement of its reasonable costs and attorney's fees incurred because of these removal proceedings, and defendants then may have 11 days to file a response. The Clerk of the Court is directed to send the file of this case to the Circuit Court of the State of Oregon for Jackson County.

IT IS SO ORDERED.

DATED this 7 day of February, 2011.

Owen M Panner

OWEN M. PANNER
U.S. DISTRICT JUDGE