

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

JOSE G. NATER OCASIO,

Plaintiff,

v.

X-SQUARE CAPITAL, LLC.,

Defendant.

CIVIL NO. 16-1937 (PAD)

MEMORANDUM AND ORDER

José G. Náter-Ocasio sued X-Square Capital, LLC in state court for alleged wrongful discharge, retaliation, wages, breach of employment contract, and damages. Defendant removed the case to federal court (Docket No. 1). Before the court is plaintiff's "Motion and Memorandum in Support of Motion to Remand" (Docket No. 7), which defendant opposed (Docket No. 10). After careful evaluation of the parties' filings, the issues raised, and the principles and authorities governing their adjudication, the motion is GRANTED in PART and DENIED in PART.

Plaintiff's claims are asserted exclusively under Puerto Rico law. Yet, there is no diversity of citizenship. Because the court lacks subject matter jurisdiction, plaintiff's request that the case be remanded to state court is GRANTED and the case REMANDED to state court. However, plaintiff's request for costs and attorney's fees is DENIED.

A court may award costs and attorney's fees under 28 U.S.C. § 1447 (c) where the removing party lacks an objectively reasonable basis for seeking removal. Even though defendant's attempt to remove was unsuccessful, the allegations included in the complaint regarding his claim for wages were sufficiently ambiguous for defendant to believe that removal was appropriate. Therefore, defendant's attempt to remove the case was not objectively unreasonable. Martin v.

Franklin Capital Corp., 546 U.S. 132, 141 (2005).

Judgment will be entered accordingly.

SO ORDERED.

In San Juan, Puerto Rico, this 20th day of June, 2016.

S/Pedro A. Delgado-Hernández
PEDRO A. DELGADO HERNANDEZ
United States District Judge