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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CHRISTOPHER KING, J.D.,

Plaintiff,

v.

WRIGHT FINLAY & ZAK, et al.,

Defendants.

CASE NO. C16-0397JLR

ORDER GRANTING
PLAINTIFF’S MOTION TO
REMAND AND REMANDING
THE CASE TO STATE COURT

I. INTRODUCTION

Before the court is Plaintiff Christopher King’s motion to remand this case to state court. (Mot. (Dkt. # 8); *see also* Reply (Dkt. # 18).) Defendants Wright Finlay & Zak (“WFZ”), Lukaz Wozniak, and Renee Parker oppose the motion. (Resp. (Dkt. # 15).) The court has considered the motion, the balance of the record, and the applicable law.

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1 Being fully advised,¹ the court GRANTS the Mr. King’s motion to remand and remands
2 this case to state court.

3 II. BACKGROUND

4 This case arises out of an incident that occurred in the Honorable Robert S.
5 Lasnik’s courtroom. (*See* Compl. (Dkt. # 1-2) ¶¶ 9, 15-17, 22-31.) Mr. King was present
6 in Judge Lasnik’s courtroom during proceedings in a case in which Mr. Wozniak and Ms.
7 Parker were counsel for the defendant.² (*See id.* ¶¶ 22, 26, App’x F (“Hearing Trans.”) at
8 249:20-24.) Mr. King alleges that Ms. Parker attempted to get Mr. King thrown out of
9 the courtroom, ruin his reputation, and limit scrutiny of the proceedings by accusing Mr.
10 King in open court of having made a death threat against her and Mr. Wozniak. (*See*
11 Compl. ¶¶ 22-35.) According to Mr. King, that accusation was false and defamatory.
12 (*See id.* ¶¶ 22-23, 31-34.)

13 Mr. King filed this lawsuit in the Superior Court for King County, Washington, on
14 February 29, 2016. (*See id.* at 1.) He asserts causes of action for (1) defamation, (2)
15 false light, (3) outrage, (4) intentional infliction of emotional distress, (5) tortious
16 interference with business expectancy, (6) civil conspiracy under state law, and (7) civil

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18 ¹ Although Mr. King has “demanded” oral argument (Mot. at 1; Reply at 1 (capitalization
19 Rules W.D. Wash. LCR 7(b)(4) (“Unless otherwise ordered by the court, all motions will be
20 decided by the court without oral argument.”)).

21 ² Mr. King alleges that he is an attorney and a photojournalist who “has filmed all matter
22 of civil and criminal trials in courtrooms across the Country.” (Compl. ¶ 1.) Mr. King is a
resident of Washington. (*Id.* at 1; Not. of Rem. (Dkt. # 1) ¶ 5.a.) WFZ is a California law firm.
(Compl. ¶ 5; Not. of Rem. ¶ 5.b.i.) Mr. Wozniak and Ms. Parker are attorneys at WFZ who
reside in California. (Compl. ¶¶ 3-4; Not. of Rem. ¶¶ 5.b.ii-iii.)

1 conspiracy under federal law, 42 U.S.C. § 1985. (*Id.* at 8-10.) He seeks monetary
2 damages as well as declaratory and injunctive relief. (*Id.* at 10.)

3 On March 17, 2016, Defendants removed this case from King County Superior
4 Court to this court on the basis of diversity and federal question jurisdiction. (*See* Not. of
5 Rem. at 1-4.) Mr. King filed a motion to remand the case to state court on March 25,
6 2016. (Mot. at 1.) In his motion, Mr. King argues that Defendants have not shown more
7 than \$75,000.00 is in controversy and that his federal claim is subordinate to his state law
8 claims. (*See id.* at 1-4.) Defendants filed their opposition to Mr. King’s motion on April
9 11, 2016. (Resp. (Dkt. # 15) at 1.) Later that same day, Mr. King filed a notice of
10 voluntarily dismissal in which he dismissed his federal conspiracy claim under Federal
11 Rule of Civil Procedure 41 and stipulated that his damages do not exceed \$75,000.00.³
12 (Not. (Dkt. # 17) at 1-2.) Mr. King’s motion to remand is now before the court.

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15 ³ On April 14, 2016, Defendants filed an additional brief concerning the motion to
16 remand (“Supplemental Brief”). (*See* Supp. Br. (Dkt. # 20).) They captioned this brief as (1) a
17 response to Mr. King’s motion for reconsideration of the court’s order denying his request for an
18 extension, and (2) an “analysis of the effect of Plaintiff’s FRCP 41 voluntary dismissal and
19 stipulation to liomit [sic] damages on the court’s subject matter jurisdiction.” (*Id.* at 1
20 (capitalization altered); *see also* MFR (Dkt. # 16); Mot. for Ext. (Dkt. # 12); 4/8/16 Order (Dkt.
21 # 14) (denying Mr. King’s motion for an extension).) As the caption foreshadows, Defendants
22 use their Supplemental Brief to argue that the court should reject the motion for reconsideration
and should deny the motion to remand despite Mr. King’s voluntary dismissal. (*See* Supp. Br. at
2-8.) Defendants’ Supplemental brief is therefore both a response to the motion for
reconsideration and a second brief in opposition to the motion to remand. (*See id.*; Mot.; Resp.)
On April 18, 2016, Mr. King filed a reply memorandum in support of his motion for
reconsideration. (*See* MFR Reply (Dkt. # 22).) Both Defendants’ Supplemental Brief and Mr.
King’s reply in support of his motion for reconsideration are improper under this court’s Local
Rules. The Local Rules do not permit responses or replies to motions for reconsideration unless
called for by the court. *See* Local Rules W.D. Wash. LCR 7(h)(3) (“No response to a motion for
reconsideration shall be filed unless requested by the court.”). The court has not requested
response or reply memoranda with respect to Mr. King’s motion for reconsideration. (*See* Dkt.)

1 **III. DISCUSSION**

2 “A civil case commenced in state court may, as a general matter, be removed by
3 the defendant to federal district court, if the case could have been brought there
4 originally.” *Martin v. Franklin Capital Corp.*, 546 U.S. 132, 134 (2005) (citing 28
5 U.S.C. § 1441). “If it appears that the federal court lacks jurisdiction, however, ‘the case
6 shall be remanded.’” *Id.* (quoting 28 U.S.C. § 1447(c)). Defendants removed this case
7 on the basis of diversity jurisdiction and federal question jurisdiction. (*See* Not. of Rem.
8 at 1-4.) Mr. King argues that removal was improper on either basis. (*See* Mot. at 1-4.)
9 The court addresses each basis for removal in turn.

10 **A. Diversity**

11 Defendants assert that the court has subject matter jurisdiction based on diversity
12 of citizenship under 28 U.S.C. § 1332. (Not. of Rem. ¶¶ 4-7.) Section 1332 provides that
13 the district courts “shall have original jurisdiction of all civil actions where the matter in
14 controversy exceeds the sum or value of \$75,000 . . . and is between citizens of different
15 states” 28 U.S.C. § 1332. The removing defendant must show that the case meets
16 the \$75,000.00 amount-in-controversy requirement. *See* 28 U.S.C. §§ 1332(a), 1446(c);
17 *Geographic Expeditions, Inc. v. Estate of Lhokta*, 599 F.3d 1102, 1106-07 (9th Cir.
18 2010). In general, the defendant’s notice of removal need include only a plausible
19 allegation that the amount in controversy exceeds the jurisdictional threshold. *See Dart*

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21 Furthermore, the Local Rules do not allow a nonmoving party to file multiple briefs in
22 opposition to a motion. *See* Local Rules W.D. Wash. LCR 7(b). Accordingly, the court
STRIKES Defendants’ Supplemental Brief (Dkt. # 20) and Mr. King’s reply in support of his
motion for reconsideration (Dkt. # 22).

1 | *Cherokee Basin Operating Co. v. Owens*, --- U.S. ---, 135 S. Ct. 547, 553-54 (2014). If
2 | the plaintiff questions the defendant’s allegation regarding the amount in controversy,
3 | however, the removing defendant bears the burden to demonstrate by a preponderance of
4 | the evidence that more than \$75,000.00 is in controversy. *See id.* (citing 28 U.S.C.
5 | § 1446(c)(2)(B)); *Geographic Expeditions*, 599 F.3d at 1106-07 (citing *Gaus v. Miles*,
6 | *Inc.*, 980 F.2d 564, 566-67 (9th Cir. 1992)). Here, Mr. King questions Defendants’
7 | allegations regarding the amount in controversy. (*See Mot.* at 3-4; *Reply* at 2-3.)

8 | Defendants argue that the amount-in-controversy requirement is met because in
9 | his complaint Mr. King “equates this matter to an unrelated outrage case in which the
10 | Court awarded damages in the amount of \$214,000.00 to the plaintiff.” (Not. of Rem.
11 | ¶ 7.) In addition, Defendants observe that Mr. King “also equates Defendants’ conduct to
12 | the conduct of another entity, which, purportedly, resulted in a \$290,000[.00] fine.” (*Id.*)
13 | Finally, Defendants aver, without citation to any evidence, that they “are informed and
14 | believe that the cost of compliance with the injunctive relief order sought by Plaintiff,
15 | coupled with the damages sought by Plaintiff, exceeds the minimum amount in
16 | controversy.” (*Id.*; *see also Resp.* at 6-8.) These arguments fail to demonstrate that more
17 | than \$75,000.00 is in controversy in this case.

18 | Mr. King’s references to prior, unrelated lawsuits do not show that this lawsuit
19 | exceeds the amount-in-controversy requirement. In his complaint, Mr. King alleges that
20 | the underlying case in Judge Lasnik’s court “ended in a \$214,000.00 bench Judgment
21 | against” Defendants’ client. (Compl. ¶ 34.) He also alleges that he previously
22 | “investigated employment abuse at American Tower Corporation and initiated an

1 investigation resulting in a \$290,000[.00] ORDER against them by the Department of
2 Labor.” (*Id.* ¶ 2.) Defendants point to nothing in the record from which the court could
3 conclude that either the alleged judgment against Defendants’ client or the alleged fine
4 against American Tower Corporation is indicative of the amount in controversy in this
5 case. In fact, the record shows that those cases are different in relevant respects from the
6 present case. (*See id.* ¶¶ 2, 9 (noting that the matter before Judge Lasnik was a
7 foreclosure case), 34; *id.* App’x D (“King 8/12/14 Email”) at 1 (indicating that the
8 American Tower Corporation case involved two plaintiffs, included claims for wrongful
9 termination, and led to a government-imposed fine); *id.* Ex. 5 (“King 10/27/15 Email”) at
10 1 (stating that Mr. King reported American Tower Corporation to the Department of
11 Labor “on behalf of [his] trainees”).) Furthermore, Mr. King has expressly stated that his
12 damages do not exceed \$75,000.00. (Not. at 2.)

13 The court concludes that Defendants have failed to carry their burden to
14 demonstrate by a preponderance of the evidence that more than \$75,000.00 is in
15 controversy in this matter. *See Dart Cherokee*, 135 S. Ct. at 553-54. Accordingly, the
16 court lacks diversity jurisdiction under 28 U.S.C. § 1332.⁴

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18 ⁴ The court rejects Defendants’ request that the court postpone ruling on the motion to
19 remand and allow discovery into the amount in controversy. (*See Resp.* at 8-9); *Abrego Abrego*
20 *v. Dow Chem. Co.*, 443 F.3d 676, 691 (9th Cir. 2006) (“[S]ome courts have suggested that it
21 may be appropriate to allow discovery relevant to jurisdictional amount prior to remanding.’
22 Our decisions do not, however, indicate that such discovery is *required*. Indeed, we have
previously held that ‘[a]n appellate court will not interfere with the trial court’s refusal to grant
[jurisdictional] discovery except upon the clearest showing that the dismissal resulted in actual
and substantial prejudice to the litigant’”) (quoting *Gibson v. Chrysler Corp.*, 261 F.3d 927,
948 (9th Cir. 2001), and *Wells Fargo & Co. v. Wells Fargo Express Co.*, 556 F.2d 406, 430 n.24
(9th Cir. 1977)) (internal citations omitted) (first alteration added).

1 **B. Federal Question**

2 Defendants assert that the court has federal question jurisdiction based on Mr.
3 King’s federal civil conspiracy claim. (See Not. of Rem. ¶ 2; Resp. at 3-6; Compl. at
4 9-10.) A federal district court has original jurisdiction where the action “aris[es] under
5 the Constitution, laws, or treaties of the United States.” 28 U.S.C. § 1331. Whether a
6 claim “arises under” federal law for removal purposes is determined by the “well-pleaded
7 complaint rule.” *Rivet v. Regions Bank of La.*, 522 U.S. 470, 475 (1998). Under this
8 rule, “federal jurisdiction exists only when a federal question is presented on the face of
9 the plaintiff’s properly pleaded complaint.” *Caterpillar Inc. v. Williams*, 482 U.S. 386,
10 392 (1987). “The rule makes the plaintiff the master of the claim; he or she may avoid
11 federal jurisdiction by exclusive reliance on state law.” *Id.*; see also *Rains v. Criterion*
12 *Sys., Inc.*, 80 F.3d 339, 341, 344 (9th Cir. 1996) (“[A] plaintiff may allege a violation of
13 Title VII of the Civil Rights Act of 1964’s policy against religious discrimination as part
14 of a state law cause of action without converting his claim into a Title VII action or an
15 action that depends on a substantial federal question.”). Conversely, “[w]hen a plaintiff
16 invokes a right created by [federal law], the plaintiff has chosen to plead what we have
17 held must be regarded as a federal claim, and removal is at the defendant’s option.”
18 *Caterpillar*, 482 U.S. at 399.

19 Additionally, under 28 U.S.C. § 1367(a), a court has supplemental jurisdiction
20 over state law claims that are “so related” to the claims over which the court has original
21 jurisdiction that “they form part of the same case or controversy under Article III of the
22 United States Constitution.” 28 U.S.C. § 1367(a). Claims are part of the same case or

1 | controversy if they “share[] a ‘common nucleus of operative fact’” and would normally
2 | be tried together. *Bahrampour v. Lampert*, 356 F.3d 969, 978 (9th Cir. 2004) (quoting
3 | *Trs. of the Constr. Indus. & Laborers Health & Welfare Tr. v. Desert Valley Landscape*
4 | *Maint., Inc.*, 333 F.3d 923, 925 (9th Cir. 2003)); *see also United Mine Workers of Am. v.*
5 | *Gibbs*, 383 U.S. 715, 725 (1966).

6 | On its face, Mr. King’s complaint presents a federal question. He alleges that
7 | Defendants violated 42 U.S.C. § 1985 by engaging in a civil conspiracy. (Compl. at 9-10
8 | (listing at number seven under the heading “CLAIMS” “Civil Conspiracy per 42 U.S.C.
9 | §1985 [sic]”).) Moreover, Mr. King does not dispute that his complaint asserts a federal
10 | claim. (*See* Mot. at 1 (stating that the federal conspiracy claim “is undisputedly the sole
11 | Federal Claim involved in this case”).) The court therefore had jurisdiction over Mr.
12 | King’s now-dismissed federal conspiracy claim. *See* 28 U.S.C. § 1331; *Caterpillar*, 482
13 | U.S. at 392, 399.

14 | Furthermore, the court has supplemental jurisdiction over Mr. King’s state-law
15 | claims. Those claims all arise from the same set of facts—the allegedly defamatory
16 | statements made about Mr. King during a hearing in Judge Lasnik’s courtroom—and are
17 | so related that they would normally be tried together with Mr. King’s federal conspiracy
18 | claim. (*See* Compl. at 8-10); 28 U.S.C. § 1367(a); *Bahrampour*, 356 F.3d at 978.
19 | Removal was therefore proper on the basis of federal question jurisdiction. *See Rivet*,
20 | 522 U.S. at 475; *Caterpillar*, 482 U.S. at 392, 399; *see also Wisc. Dep’t of Corrs. v.*
21 | *Schacht*, 524 U.S. 381, 386-87 (1998) (“We have suggested that the presence of even one
22 |

1 claim ‘arising under’ federal law is sufficient to satisfy the requirement that the case be
2 within the original jurisdiction of the district court for removal.”).

3 **C. Supplemental Jurisdiction**

4 The court retains supplemental jurisdiction over Mr. King’s state-law claims even
5 though his only federal claim has been dismissed. *Albingia Versicherungs A.G. v.*
6 *Schenker Int’l Inc.*, 344 F.3d 931, 938-39 (9th Cir. 2003) (“The district court’s
7 supplemental jurisdiction over the state law claims was not destroyed by dismissal of the
8 [sole federal] claim. . . . Supplemental jurisdiction is not destroyed by elimination of the
9 basis for original jurisdiction.”), *amended and superseded on other grounds by* 350 F.3d
10 916 (9th Cir. 2003). Nevertheless, the court must now decide whether to continue
11 exercising supplemental jurisdiction over Mr. King’s state-law claims. Once the claims
12 over which the court had original jurisdiction are dismissed, the court has discretion to
13 remand the state-law claims to state court. *See* 28 U.S.C. § 1367(c) (“The district courts
14 may decline to exercise supplemental jurisdiction over a claim . . . if . . . the district court
15 has dismissed all claims over which it has original jurisdiction . . .”).

16 Several considerations guide the court’s decision whether to remand. In
17 evaluating when it is inappropriate to exercise supplemental jurisdiction, courts should
18 consider the values of judicial economy, convenience, fairness, and comity. *Gibbs*, 383
19 U.S. at 726; *see Acri v. Varian Assocs., Inc.*, 114 F.3d 999, 1001 (9th Cir. 1997),
20 *supplemented*, 121 F.3d 714 (9th Cir. 1997); *Exec. Software N. Am., Inc. v. U.S. Dist. Ct.*
21 *for C.D. Cal.*, 24 F.3d 1545, 1557 (9th Cir. 1994), *overruled on other grounds by Cal.*
22 *Dep’t of Water Res. v. Powerex Corp.*, 533 F.3d 1087 (9th Cir. 2008). “[I]n the usual

1 case in which all federal-law claims are eliminated before trial, the balance of factors to
2 be considered . . . will point toward declining to exercise jurisdiction over the remaining
3 state-law claims.” *Carnegie-Mellon Univ. v. Cohill*, 484 U.S. 343, 350 n.7 (1988).

4 1. Judicial economy

5 In the context of a motion to remand, judicial economy refers to the “investment
6 of judicial energy” into a case or controversy. *Rosado v. Wyman*, 397 U.S. 397, 403-04
7 (1970); *see also Otto v. Heckler*, 802 F.2d 337, 338 (9th Cir. 1986). For example, courts
8 may consider: (1) the amount of time that has been invested in analyzing the state
9 claims, *see Mackey v. Pioneer Nat’l Bank*, 867 F.2d 520, 523 (9th Cir. 1989); *Aydin*
10 *Corp. v. Loral Corp.*, 718 F.2d 897, 904 (9th Cir. 1983) (“The district court did not abuse
11 its discretion in retaining jurisdiction to decide the state claims, because the record shows
12 that the court and the litigants had expended considerable time on the pendent claims
13 before the antitrust claims were dismissed.”); (2) whether there have been hearings and/or
14 arguments prior to the dismissal of the federal claims, *see Rosado*, 397 U.S. at 403-04;
15 *Enercomp, Inc. v. McCorhill Publ’g, Inc.*, 873 F.2d 536, 546 (2d Cir. 1989) (upholding
16 the district court’s decision to retain jurisdiction after the federal claims had been
17 dismissed following 11 months of heated pretrial litigation); and (3) whether a party’s
18 “strategy may have been influenced by the fact that they are proceeding in federal court,
19 and from the record it appears that it had not occurred to any party that the action might
20 be tossed into the state system.” *Schneider v. TRW, Inc.*, 938 F.2d 986, 995 (9th Cir.
21 1991) (“Unless the district court was without power to hear the case, which is not the
22 situation here, we ought not surprise the district court and parties with an unprecedented

1 pronouncement that the case must go to state court, where nobody has ever wanted or
2 expected it to be.”).

3 Here, judicial economy favors remand, or at least does not weigh against it. This
4 case is still in its early stages. Although the parties have filed several motions, the court
5 has ruled on only one short motion—Mr. King’s motion for an extension. (*See* Mot. for
6 Ext.; 4/8/16 Order); *Aydin Corp.*, 718 F.2d at 904. No hearings or oral arguments have
7 occurred. *See Rosado*, 397 U.S. at 403-04. Further, this case began in state court, and
8 Mr. King moved for remand shortly after Defendants removed; thus, remand will not
9 surprise the parties. (*See* Compl; Mot.); *Schneider*, 938 F.2d at 995.

10 2. Convenience

11 In analyzing a motion to remand, courts look to see if, in light of the record and
12 accumulated federal proceedings, the state claims “may easily be carried across the street
13 to the courtroom of a state superior court judge.” *Schneider*, 938 F.2d at 997
14 (O’Scannlain, J., dissenting) (internal quotation marks omitted). Nothing in the record
15 reveals any obstacles to remanding Mr. King’s state-law claims to state court. As noted
16 above, little has occurred in this litigation with respect to Mr. King’s state-law claims.
17 (*See* Dkt.); *supra* § III.C.1. Consequently, this factor also favors, or at least does not
18 weigh against, remand.

19 3. Fairness

20 When analyzing fairness in the context of a motion to remand, courts have looked
21 to whether “a surer-footed reading” of state law would be available in state court, *Gibbs*,
22 383 U.S. at 726; *Schneider*, 938 F.2d at 996; whether “the plaintiff has engaged in any

1 manipulative tactics” in seeking remand, *Carnegie-Mellon*, 484 U.S. at 357; *see also*
2 *Albingia Versicherungs A.G.*, 344 F.3d at 939; and where the plaintiff originally filed the
3 action, *Fletcher v. Solomon*, No. C-06-5492 RMW, 2006 WL 3290399, at *3-4 (N.D.
4 Cal. Nov. 13, 2006) (remanding action to state court after the plaintiffs voluntarily
5 dismissed their only federal claims, finding that the “plaintiffs clearly desire a state
6 forum, as they could have filed this action as an original matter in federal court but chose
7 not to do so”). “[T]he Ninth Circuit has found nothing wrong with plaintiffs promptly
8 dropping federal claims and seeking to have a matter remanded.” *Fletcher*, 2006 WL
9 3290399, at *4 (citing *Baddie v. Berkeley Farms*, 64 F.3d 487, 490-91 (9th Cir. 1995)).

10 Like judicial economy and convenience, fairness arguably supports remand and
11 at least does not weigh against it. The court has no doubt that Washington courts will
12 provide a sure-footed reading of the state-law issues in this case, and no party has
13 suggested otherwise. *See Gibbs*, 383 U.S. at 726. Furthermore, the court does not find
14 that Mr. King’s tactics have been manipulative. *See Albingia Versicherungs A.G.*, 344
15 F.3d at 939 (approving the district court’s decision to retain jurisdiction where the
16 plaintiff did not move for remand until after the district court granted summary judgment
17 on both state and federal claims); *Baddie*, 64 F.3d at 490-91 & n.3 (finding “nothing
18 manipulative” in the plaintiffs’ “straight-forward tactical decision” to respond to removal
19 by promptly dismissing their federal claims); *Fletcher*, 2006 WL 3290399, at *3-4.
20 Although Mr. King voluntarily dismissed his sole federal claim in response to removal,
21 he did so promptly and has repeatedly stated that his federal claim is merely a mirror
22 image of his state-law conspiracy claim. (*See Notice*; *e.g.*, Mot. at 1-3); *Fletcher*, 2006

1 WL 3290399, at *3-4 (declining supplemental jurisdiction in a case similar to this one
2 and noting that the plaintiffs “are obviously more interested in their state claims than their
3 federal claims”). Moreover, Mr. King originally filed in state court. *See Fletcher*, 2006
4 WL 3290399, at *3-4.

5 4. Comity

6 The final factor is comity. “Comity, in the legal sense, is neither a matter of
7 absolute obligation, on the one hand, nor of mere courtesy and good will, upon the
8 other.” *Hilton v. Guyot*, 159 U.S. 113, 163-64 (1895) (internal quotation marks omitted).
9 The Supreme Court held in *Gibbs* that “[n]eedless decisions of state law should be
10 avoided both as a matter of comity and to promote justice between the parties, by
11 procuring for them a surer-footed reading of applicable law.” 383 U.S. at 726. Here,
12 remand serves the interests of comity. The issues remaining in this case present
13 questions of state law that should be decided by a state court unless there is a good reason
14 for this court to decide them. *See id.* No such reason exists. Indeed, Mr. King has
15 dismissed his only federal claim, and the court has found that judicial economy,
16 convenience, and fairness do not favor keeping this case in federal court. (*See Notice*);
17 *supra* §§ III.C.1-3.

18 Taken together, the factors enunciated in *Gibbs* favor remanding this case to state
19 court. *See* 383 U.S. at 726. Remand would promote considerations of comity and would
20 not undermine the values of judicial economy, convenience, and fairness. Accordingly,
21 the court remands Mr. King’s state-law claims to King County Superior Court.
22

1 **D. Costs and Fees**

2 Mr. King asks the court to tax the costs associated with removal to Defendants.
3 (See Mot. at 9; Reply at 8-10.) “An order remanding the case may require payment of
4 just costs and any actual expenses, including attorney fees, incurred as a result of the
5 removal.” 28 U.S.C. § 1447(c). However, “[a]bsent unusual circumstances, courts may
6 award attorney’s fees under § 1447(c) only where the removing party lacked an
7 objectively reasonable basis for seeking removal.” *Martin*, 546 U.S. at 141. As
8 discussed above, Defendants had an objectively reasonable basis for removing this case,
9 *see supra* § III.B; therefore, the court declines to award Mr. King costs and fees
10 associated with removal. *See Martin*, 546 U.S. at 141.

11 **IV. CONCLUSION**

12 For the foregoing reasons, the court GRANTS Mr. King’s motion to remand (Dkt.
13 # 8), DENIES his request for costs, and REMANDS Mr. King’s state-law claims to the
14 Superior Court for King County. The court therefore STRIKES as moot all other
15 pending motions (Dkt. ## 6, 9, 16)⁵ and ORDERS that:

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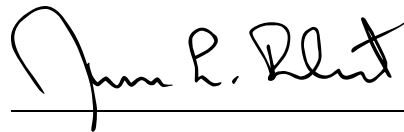
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21 _____
22 ⁵ The court’s striking of these motions (Dkt. ## 6, 9, 16) is without prejudice to the parties refiling the motions in state court as appropriate.

- 1 1. Pursuant to 28 U.S.C. § 1367(c), all further proceedings in this case are
2 REMANDED to the Superior Court for King County in the State of
3 Washington,
4 2. The Clerk of the Court shall send copies of this order to all counsel of record
5 for all parties,
6 3. Pursuant to 28 U.S.C. § 1447(c), the Clerk of the Court shall mail a certified
7 copy of this order to the Clerk of the Court for the Superior Court for King
8 County, Washington,
9 4. The Clerk of the Court shall also transmit the record herein to the Clerk of the
10 Court for the Superior Court for King County, Washington, and
11 5. The Clerk of the Court shall CLOSE this case.

12 Dated this 20th day of April, 2016.

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15 JAMES L. ROBART
16 United States District Judge
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