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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

REBECCA ALEXANDER, a single woman,

Plaintiff,

v.

KING COUNTY, WASHINGTON, a county
municipality; STATE OF WASHINGTON,
one of the fifty states of the United States;
BANK OF AMERICA, N.A., a national
banking association; NORTHWEST
TRUSTEE SERVICES, INC., a Washington
corporation; U.S. BANK NATIONAL
ASSOCIATION, as Trustee for Harborview
Mortgage Loan Trust 2005-12, Mortgage Loan
Pass-through Certificates, Series 2005-12
Trust; NATIONSTAR MORTGAGE, LLC, a
foreign entity; JOHN DOE TRUSTEE; JOHN
DOE TRUST; MERS, a foreign corporation,

Defendants.

Case No. C17-653-RSM

ORDER DENYING DEFENDANTS'
MOTION FOR RECONSIDERATION

This matter comes before the Court on a Motion for Reconsideration filed by Defendants Nationstar Mortgage LLC ("Nationstar"), U.S. Bank National Association, as Trustee for Harborview Mortgage Loan Trust 2005-12, Mortgage Loan Pass-through Certificates, Series 2005-12 Trust ("U.S. Bank"), and Mortgage Electronic Registration Systems, Inc. ("MERS"). Dkt. #28. Defendants move the Court to reconsider its Order

1 granting Plaintiff's Motion for Remand, Dkt. #21, specifically on the issue of an award of fees
2 and costs under 28 U.S.C. §1447(c). *Id.* at 1.

3 This case was removed on April 26, 2017. Dkt. #1. Plaintiff filed a Motion to Remand
4 on May 9, 2017, noted for consideration on June 2, 2017. Dkt. #10. In that Motion, Plaintiff
5 requested relief pursuant to § 1447(c). Dkt. #10 at 2. Defendants opposed this Motion, arguing
6 that remand was not justified, but failed to provide any argument as to why fees and costs under
7 §1447(c) were inappropriate. *See* Dkt. #14.

9 On June 8, 2017, the Court granted Plaintiff's Motion to Remand and remanded this
10 case. Dkt. #21. The Court found that Plaintiff was entitled to fees and costs under 28 U.S.C. §
11 1447(c), and ordered Plaintiff to request those in a "Supplemental Motion for Attorney's Fees."
12 *Id.* at 4.

14 Defendants now move for reconsideration of the Court's Order granting remand,
15 arguing that the Court must have "recognize[d] the objectively reasonable basis on which
16 Defendants based the removal" because the Court "acknowledged the parties' arguments and
17 relevant legal authority addressed in the parties briefs," but "in the end" the Court somehow
18 concluded that remand was appropriate. Dkt. #28 at 2. Defendants argue that the Court can
19 only award fees under §1447(c) where the removing party lacked an "objectively reasonable"
20 basis for removal. *Id.* at 3.

22 "Motions for reconsideration are disfavored." LCR 7(h)(1). "The court will ordinarily
23 deny such motions in the absence of a showing of manifest error in the prior ruling or a
24 showing of new facts or legal authority which could not have been brought to its attention
25 earlier with reasonable diligence." *Id.*

1 The Court finds that Defendants' arguments against §1447(c) fees could and should
2 have been raised in their Response, which was silent on this issue. Defendants do not argue
3 new facts or legal authority which could not have been brought to its attention earlier with
4 reasonable diligence. Further, Defendants fail to establish that the Court's award of these fees
5 was manifest error. The Court has never "recognize[d] the objectively reasonable basis on
6 which Defendants based the removal," as argued by Defendants, and thus the award of fees was
7 not contrary to the record. The Court properly found that §1447(c) fees were proper given the
8 lack of a federal cause of action in the pleadings.
9

10 Accordingly, having reviewed the relevant briefing, the declarations and exhibits
11 attached thereto, and the remainder of the record, the Court hereby finds and ORDERS that
12 Defendants' Motion for Reconsideration (Dkt. #28) is DENIED.
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15 DATED this 26 day of June, 2017.
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19 RICARDO S. MARTINEZ
20 CHIEF UNITED STATES DISTRICT JUDGE
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