

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Ronald H. Sargis

Bankruptcy Judge  
Sacramento, California

May 29, 2025 at 11:00 a.m.

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1. <a href="#">04-00203-E-0</a> <a href="#">24-2188</a>	WINDSOR TERRANCE HEALTHCARE, LLC	MOTION TO PAY 5-1-25 <a href="#">[36]</a>
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BRANDY RUSSELL,  
SUCCESSOR-IN-INTEREST TO  
DECEDENT DEBORAH WASHINGTON  
V. WINDSOR EL CAMINO CARE CENTER, LLC

ADVERSARY PROCEEDING  
CLOSED: 03/13/25

**Tentative Ruling:** Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court’s resolution of the matter.

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Local Rule 9014-1(f)(1) Motion—Hearing Required.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Defendants Windsor El Camino Care Center, LLC dba Windsor El Camino Care Center (“Defendants”) on May 1, 2025. By the court’s calculation, 28 days’ notice was provided. 28 days’ notice is required.

The Motion for an Award of Attorney’s Fees has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Failure of the respondent and other parties in interest to file written opposition at least fourteen days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (upholding a court ruling based upon a local rule construing a party’s failure to file opposition as consent to grant a motion). The defaults of the non-responding parties and other parties in interest are entered.

<b>The Motion for an Award of Attorney's Fees is <span style="color: red;">XXXXXXX</span> .</b>
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Brandy Russell, as successor in interest to decedent Deborah Washington, and Brandy Russell, individually (“Plaintiffs”) move this court for an award of attorney’s fees in the amount of \$21,885 incurred

in connection with Plaintiff's Motion to Remand Action to Sacramento Superior Court ("Remand Motion"), Docket 11. Plaintiffs seek the award pursuant to 28 U.S.C. § 1447(c), which states:

A motion to remand the case on the basis of any defect other than lack of subject matter jurisdiction must be made within 30 days after the filing of the notice of removal under section 1446(a). If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded. **An order remanding the case may require payment of just costs and any actual expenses, including attorney fees, incurred as a result of the removal.** A certified copy of the order of remand shall be mailed by the clerk to the clerk of the State court. The State court may thereupon proceed with such case.

(Emphasis added). Plaintiffs plead:

1. The Court's amply supported conclusion that "this removal is part of a forum shopping effort by the Defendants," Remand Opinion at 22:18-19. Mot. 2:13-15.
2. The fact that Defendants unnecessarily forced Plaintiffs' counsel to fully brief, argue, and prosecute to conclusion seven remand motions – four in this Court, three in the Central District of California – on materially indistinguishable facts and law, all leading to precisely the same result: remand to state court. Mot. 2:16-20.
3. Notably, Plaintiffs are not seeking an award of fees in the first case remanded by this Court – *Orrick v. Trestles, LLC, et al.*, Adv. Proc. No. 24-02189 (Bankr. E.D. Cal.) (remanded Nov. 15, 2024) – or any of the three cases remanded by the Bankruptcy Court in the Central District. Mot. 2:21-23.
  - a. Had *Orrick* been both the start and the end of Defendants' foray into federal court, Plaintiffs would not have filed this motion. Indeed, no motion for attorneys' fees was filed in *Orrick*, and none will be. Mem. 2:14-16, Docket 39.
4. The standard for awarding fees as part of the remand motion is one of objection reasonableness, as explained in *Martin v. Franklin Cap. Corp.*, 546 U.S. 132 (2005).
  - a. After having several cases remanded to state court by this court and Judge Kaufman in the Central District, Defendants attempted further remand motions, which are simply not objectively reasonable. Mem. 6:4-7.

## DEFENDANTS' OPPOSITION

Defendants filed an Opposition on May 15, 2025. Docket 42. Defendants assert:

1. The removal was objectively reasonable. Opp’n 2:8-9. The test is not whether the removing party ultimately prevails, but whether a reasonable litigant could have believed removal was proper. *Id.* at 2:14-15.
2. Courts routinely deny fee requests when jurisdiction exists or is at least colorable. *Id.* at 2:18-19.
3. *Martin* allows for fee awards only in the presence of unusual circumstances. Defendants acted promptly and in good faith. The removal complied with all procedural requirements, and the motion to remand was briefed and resolved in an orderly manner. There is no indication that Defendants pursued removal for delay or harassment. *Id.* at 3:14-17.
4. The removals of Windsor-related state court actions to federal court were all executed at the same time. It was the filing of the motions to remand that set the cases on different time lines. *Id.* at 3:19-21.

## PLAINTIFFS’ REPLY

Plaintiffs filed their Reply to the Opposition on May 22, 2025. Docket 43. Plaintiffs assert:

1. The Parties agree on the legal standard of objectively reasonable, and so the court must decide which Party prevails.
2. Awarding fees upon removal is still available even if jurisdictions existed. Reply at 4:15-7:19.
3. Defendants’ forum shopping was objectively unreasonable and constitutes unusual circumstances. *Id.* at 8:1-9:18.

## APPLICABLE LAW AND DISCUSSION

The court may award attorney’s fees upon remanding an action to state court. 11 U.S.C. § 1447(c). The standard of awarding fees is one of objective reasonableness, as laid out by the Supreme Court in *Martin v. Franklin Cap. Corp.*, 546 U.S. 132 (2005). The Supreme Court stated in *Martin*:

By enacting the removal statute, Congress granted a right to a federal forum to a limited class of state-court defendants. If fee shifting were automatic, defendants might choose to exercise this right only in cases where the right to remove was obvious. But there is no reason to suppose Congress meant to confer a right to remove, while at the same time discouraging its exercise in all but obvious cases.

Congress, however, would not have enacted § 1447(c) if its only concern were avoiding deterrence of proper removals. Instead, Congress thought fee shifting appropriate in some cases. The process of removing a case to federal court and then having it remanded back to state court delays resolution of the case, imposes additional costs on both parties, and wastes judicial resources. Assessing costs and

fees on remand reduces the attractiveness of removal as a method for delaying litigation and imposing costs on the plaintiff. The appropriate test for awarding fees under § 1447(c) should recognize the desire to deter removals sought for the purpose of prolonging litigation and imposing costs on the opposing party, while not undermining Congress' basic decision to afford defendants a right to remove as a general matter, when the statutory criteria are satisfied.

In light of these large objectives the standard for awarding fees should turn on the reasonableness of the removal. Absent unusual circumstances, courts may award attorney's fees under § 1447(c) only where the removing party lacked an objectively reasonable basis for seeking removal. Conversely, when an objectively reasonable basis exists, fees should be denied. In applying this rule, district courts retain discretion to consider whether unusual circumstances warrant a departure from the rule in a given case. For instance, a plaintiff's delay in seeking remand or failure to disclose facts necessary to determine jurisdiction may affect the decision to award attorney's fees. When a court exercises its discretion in this manner, however, its reasons for departing from the general rule should be "faithful to the purposes" of awarding fees under § 1447(c).

*Martin*, 546 U.S. at 140-41 (internal quotations omitted).

The facts are well known to the Parties. Defendants state the ultimate standard as "The test is not whether the removing party ultimately prevails, but whether a reasonable litigant could have believed removal was proper." Opp'n 2:14-15. The court has read 28 U.S.C. § 1447(c) and *Martin* and does not see in either sources statements to support this reading of the standard. In fact, the standard is one of objective reasonableness, not whether any reasonable litigant could have believed removal to be proper.

As an initial matter, the point is well taken by Defendants that all proceedings were removed at the same time. However, the issue arises where Defendants continued to litigate and brief the issue after this court having had down the decision in *Orrick*. The court remanded the *Orrick* case to state court on November 15, 2024. *Orrick v. Trestles, LLC, et al.*, Adv. Proc. No. 24-02189, Docket 40, November 15, 2024. The case before the court now was remanded on February 20, 2025. Order, Docket 27. Defendants opposed remanding the case on November 21, 2024, approximately one week after this court remanded *Orrick*. Opp'n to Mot. to Remand, Docket 16. The facts of this case are extremely similar to those in *Orrick*. Both cases involve individuals with personal injury claims arising out of Defendants treatment of aging and elderly in their medical facilities. Both plaintiffs' causes of action were specifically provided for in a Plan of Reorganization in the Windsor case. Both plaintiffs' causes of action involved elder abuse and infliction of emotional distress resulting therefrom. It is true that the two cases were in slightly different stages of litigation, but the facts were overwhelmingly identical.

Defendants pressed forward in opposing the Motion to Remand despite having the benefit of the *Orrick* decision. Defendants made similar arguments in both oppositions to the Motions to Remand. Defendants forced Plaintiffs to incur expense and caused delay as a result of pursuing their opposition. Defendants argue that they were already in the process of briefing this Motion to Remand when the court handed down the *Orrick* decision, so they decided to press forward. Opp'n 4:7-10. The sunk-cost fallacy does not justify pushing forward with Opposition.

In the Memorandum Opinion and Decision (which is 26 pages in length) granting the Motion to Remand, it is clear that Congress has excluded “Personal Injury Claims” from bankruptcy court exercise of federal court jurisdiction.

In reviewing the proper exercise of federal court jurisdiction in connection with related to matters and the “bankruptcy intrusion” (in a positive way) on the State Court judicial process, the provisions of 28 U.S.C. § 157 are also relevant.

§ 157. Procedures

(a) Each district court may provide that any or all cases under title 11 and any or all proceedings arising under title 11 or arising in or related to a case under title 11 shall be referred to the bankruptcy judges for the district.

(b)

(1) Bankruptcy judges may hear and determine all cases under title 11 and all core proceedings arising under title 11, or arising in a case under title 11, referred under subsection (a) of this section, and may enter appropriate orders and judgments, subject to review under section 158 of this title.

(2) Core proceedings include, but are not limited to—

...

(B) allowance or disallowance of claims against the estate or exemptions from property of the estate, and estimation of claims or interests for the purposes of confirming a plan under chapter 11, 12, or 13 of title 11 **but not the liquidation or estimation of contingent or unliquidated personal injury tort or wrongful death claims against the estate for purposes of distribution in a case under title 11;**

...

(O) other proceedings affecting the liquidation of the assets of the estate or the adjustment of the debtor-creditor or the equity security holder relationship, **except personal injury tort or wrongful death claims;** and

...

(5) **The district court shall order that personal injury tort and wrongful death claims shall be tried in the district court** in which the bankruptcy case is pending, or in the district court in the district in which the claim arose, as determined by the district court in which the bankruptcy case is pending.

The Bankruptcy Court cannot, as a matter of law, adjudicate a personal injury tort or wrongful injury claim.

As the court addresses in the Memorandum Opinion and Decision, the confirmed Chapter 11 Plan to which this Adversary Proceeding is related, expressly identifies Plaintiff's claim as a "Personal Injury Claim." *Id.*; p. 9:23-10:22. Additionally, the confirmed Chapter 11 Plan expressly states:

**The Personal Injury Claim** of any claimant who does not accept the Debtors' proposed Claim settlement amount and who does not reach agreement with the Debtors through mediation or otherwise on a different mutually agreeable Claim settlement amount will be deemed a Disputed Claim, and **the holder of any such Claim will not be entitled to receive any distribution from the Reorganized Debtors unless and until such Claim becomes a liquidated Allowed Claim pursuant to a Final Order from the District Court or, to the extent the District Court elects to abstain, the applicable state court, at which time such Claim will be treated in the same manner as all other Allowed General Unsecured Claims.** For the avoidance of doubt, all rights of holders of Personal Injury Claims and the Reorganized Debtors with respect to any request for abstention by the District Court are expressly preserved and reserved.

*Id.*; p. 32:1-11.

Thus, it appears that the plain language of the Confirmed Chapter 11 Plan, drafted for and prosecuted by the Debtor-Defendant, defines Plaintiffs' claim as one for "Personal Injury."

*Id.*; p. 10:15-24.

This court addresses the question of whether Federal Court Jurisdiction exists and whether the Defendant-Debtor could seek to have bankruptcy judge adjudicate a Personal Injury Claim, stating:

#### **Federal Court Jurisdiction**

As this Court addresses in this Ruling and in detail at the hearing, Congress expressly provides for Federal Court jurisdiction in 28 U.S.C. § 157 where not only core matter proceedings, but also certain non-core proceedings, can be ruled on by a Bankruptcy Judge with the consent of the parties. However, Congress expressly provides in 11 U.S.C. § 157(b)(2)(B) that allowance or disallowance of claims based on a personal injury tort or wrongful death claims are not core matter proceedings, and even going further, Congress expressly requires that the District Court shall order that personal injury or and wrongful death claims be tried in the District Court (28 U.S.C. § 157(b)(5)). Such personal injury claims must be tried in the District Court, not the Bankruptcy Court, by the plain language of 11 U.S.C. § 157(b)(5). <sup>Fn.2.</sup>

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FN. 2. The Supreme Court in *Stern v. Marshall*, 564 U.S. 462, 479-480 (2011), has held that the provisions of 28 U.S.C. § 157(b)(5) requiring that the personal injury tort and wrongful death claims shall be tried in the District Court are not statutory jurisdictional limitation provisions, but did conclude that absent the consent of the parties adjudication of such claims violated the Constitutional jurisdiction provisions providing the right to adjudication of such rights in an Article III Court.

In this Adversary Proceeding, the Plaintiffs have not consented to the Article I Bankruptcy Judge adjudicating these personal injury or wrongful death claims.

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The argument by Debtor-Defendant is that while the District Court will ultimately conduct the “trial,” it is proper for the Bankruptcy Judge to do all of the pretrial work, make the pretrial rulings, and then “assign” (in this Court’s words) the litigation to a District Court Judge to conduct the trial. This is *contra* to the District Court fulfilling its statutory duties to order that the personal injury and wrongful death claims be tried, from start to finish, in the District Court before an Article III Judge (who may then choose to assign specific pretrial matters to an Article I Judge).

The Debtor-Defendant’s proposition that the Bankruptcy Judge will address all pre-trial matters and then the State Court Action will be assigned to a District Court Judge to conduct the trial (living with all that was done pre-trial by the Bankruptcy Judge) runs contrary to the provisions of 28 U.S.C. § 157(c). . . .

*Id.*; p. 15:12-16:9.

The court also considered that given the express statutory requirement that Personal Injury Claims be in the District Court and not within a bankruptcy court’s related matter jurisdiction, the Defendant-Debtor failed, to the extent that the removal was made to the bankruptcy court, to request that the District Court withdraw the reference and have the matter prosecuted in the court which Congress has expressly required.

This court did not find persuasive or any of merit the Defendant-Debtor’s argument that the State Court might enter a judgment larger than the Defendant-Debtor wanted and projected in confirming the Chapter 11 Plan, thus the State Court, entering a judgment on the merits could impede the Defendant-Debtor’s ability to perform the Confirmed Chapter 11 Plan. Rather, it was better to have a Federal Court made the determination, because the Federal Court would not enter an judgment in an amount that would impede Defendant-Debtors’ ability to perform the Confirmed Chapter 11 Plan.

The Debtor-Defendant presents the following argument/analysis in support of a contention that not litigating the State Court Complaint in the Bankruptcy Court would impede the efficient administration of the Confirmed Chapter 11 Plan:

Resolution of the state court claims in tandem with the completion of the Debtor’s Plan of Reorganization is the contemplated outcome of the cases being jointly administered through *In re*

*Windsor*. For this Court to deny the Plaintiff's motion for remand allows for the most efficient resolution of all the claims tied into the joint bankruptcy proceedings.

The only named defendant in the state court action is the debtor. Any judgment against Windsor El Camino Care Center will be submitted to the In re Windsor court, where it will be paid out at the percentage elected by the Plaintiff under the applicable part of the plan of reorganization. **If the state court award were to be unexpectedly large, it could strain the financial backstop, leading to potential modifications to the plan or adjustments to how claims are paid.**

Opposition, p. 3:10-19; Dckt. 16 (emphasis added).

The Court's conclusion is the opposite of what the Debtor-Defendant argues with respect to this factor. As an initial matter, whether in State Court or Federal Court, the parties are entitled to a jury trial, which both the Debtor-Defendant (Debtor-Defendant's Jury Demand; Dckt. 8) and the Plaintiffs (Plaintiffs' State Court Complaint, Ex. A; Dckt. 14; and Plaintiffs; Statement Pursuant to Fed. Bankr. Rule 9027(e)(3) and 28 U.S.C. § 157(e), item (iv) p. 1; Dckt. 9) have demanded for this Adversary Proceeding. The Debtor-Defendant offers no indication how the Federal Court could somehow more quickly and efficiently conduct the litigation on the State Court Complaint. This is especially true in the Eastern District of California where the District Court Judges have some of the highest case loads in the Nation.

The Debtor-Defendant then makes what this Court concludes to be a fallacious assertion – that somehow a State Court trial would generate an inappropriately large judgment, and thereby cause the performance of the Chapter 11 Plan to be delayed or impaired. This first presumes that a State Court would not be entering a judgment based on the facts and law.

Second, this presumes that a Federal Court would consider that in light of the Chapter 11 Plan, the amount of the judgment would need to be “adjusted” or “tweaked” to a lower amount so as to enhance Debtor-Defendant's ability to perform the Chapter 11 Plan based on Debtor-Defendant's estimates of what it believed to be the amount of Plaintiffs' claims. This assertion is based on an apparent belief that Federal Courts do not enter judgments based on the fact and the law, but what would be a better result for one party (here the Debtor-Defendant) over the other (here the Plaintiffs).

Nothing credible has been presented by Debtor-Defendant that the Federal Court presents a better forum for the adjudication of this claim than the State Court. This factor weights in favor of remand.

*Id.*; p. 18:1-19:25.



Finally, this court also concluded that Defendant-Debtor's removal of this State Court Action to this bankruptcy court was obvious forum shopping.

This Court concludes that this removal is part of a forum shopping effort by the Debtor-Defendant. As noted above, in starting its Argument why the Motion to Remand should be denied, the Debtor-Defendant postulates (repeating the plain language stated in the Opposition):

Resolution of the state court claims in tandem with the completion of the Debtor's Plan of Reorganization is the contemplated outcome of the cases being jointly administered through *In re Windsor*. For this Court to deny the Plaintiff's motion for remand allows for the most efficient resolution of all the claims tied into the joint bankruptcy proceedings.

The only named defendant in the state court action is the debtor. Any judgment against Windsor El Camino Care Center will be submitted to the *In re Windsor* court, where it will be paid out at the percentage elected by the Plaintiff under the applicable part of the plan of reorganization. **If the state court award were to be unexpectedly large, it could strain the financial backstop, leading to potential modifications to the plan or adjustments to how claims are paid.** For these reasons, this Court should deny the Plaintiff's Motion to Remand.

Opposition, p. 3:10-19; Dckt. 16 (emphasis added).

The Debtor-Defendant does not put forth any credible argument or evidence that bringing these State Law Claims to Federal Court would put them in the "most efficient" court for resolution of the State Law Claims. This Court reads the argument advanced to be that Debtor-Defendant seeks to litigate the State Court Complaint in Federal Court because the Federal Court Judge and jury are more likely to give Debtor-Defendant a judgment that Debtor-Defendant requests and likes, as oppose to a State Court Judge and jury. This assumption appears to presume that the Federal Court judges are "biased" in favor of a debtor in litigating related to matters so as not to "upset" a debtor's bankruptcy plan by entering a judgment for a creditor in an amount that is correct based on the facts and the law.

*Id.*; p. 22:18-23:12.

The evidence, law, and arguments presented clearly establish that Defendant-Debtor and its attorneys did not have any reasonable basis for removing this State Court Action to this Bankruptcy Court. Additionally, after the court issued its first Memorandum Opinion and Decision stating that such Personal Injury Claims must be tried, and removed to, the District Court, Defendant-Debtor took no action to promptly file a motion for the District Court judge to withdraw the reference had have the removed Personal Injury Claim properly in from of an Article III District Court judge.

## **Fees and Costs Requested**

For this Adversary Proceeding and the two others (24-2193 and 2190) in which Pfister & Saso, LLC is representing the Plaintiffs, \$21,885 is requested for filing the Motions to Remand. Thus, Pfister & Saso states that filing these Motions to Remand has caused there to be a total of \$65,665.00 in actual legal time reasonably spent for the three, all but identical motions.

Robert J. Pfister, Esq. provides his declaration of how these high fees were reasonable incurred. Because filing the motions to remand in the seven removed cases, the attorneys had to jump on it and get motions, declaration, and points and authorities drafted within 30 days.

Attached to the Declaration are billing exhibits (which the Local Bankruptcy Rules require to be filed separately from a motion, declaration, or points and authorities) to show the necessary work done. In the table below, the court compares the billing records in the three adversary proceedings before the court on May 29, 2025.

<i><b>Russell v. Windson El Camino Care Center, LLC et al</b></i> <b>24-2188</b> <b>Robert J. Pfister Dec. Exhibits A-E; Dckt. 38 and Exhibit F; Dckt. 40</b>	<b>Fees</b>	<i><b>Evans v. Windsor Vallejo Care Center, LLC</b></i> <b>24-2190</b> <b>Robert J. Pfister Dec. Dckt.</b>	<b>Fees</b>	<i><b>Knestrick v. Sindsor Oxford Holding Company, LLC et al</b></i> <b>24-2193</b> <b>Robert J. Pfister Dec. Dckt.</b>	<b>Fees</b>
<b>September 26, 2024</b> [RJP Biller] Removal Notice, Prelim Docket Investigation, Exchange Correspondence with J. Renneisen 0.5 Hrs	\$497.50	<b>September 26, 2024</b> [RJP Biller] Removal Notice, Prelim Docket Investigation, Exchange Correspondence with J. Renneisen 0.5 Hrs	\$487.50	<b>September 26, 2024</b> [RJP Biller] Removal Notice, Prelim Docket Investigation, Exchange Correspondence with J. Renneisen 0.5 Hrs	\$497.50
<b>September 27, 2024</b> [RJP Biller] Analyze Debtors' Removal, preliminary legal and factual research and next steps, exchange correspondence with Ad Ho Group 2.70 Hrs	\$2,686.50	<b>September 27, 2024</b> [RJP Biller] Analyze Debtors' Removal, preliminary legal and factual research and next steps, exchange correspondence with Ad Ho Group 2.70 Hrs	\$2,686.50	<b>September 27, 2024</b> [RJP Biller] Analyze Debtors' Removal, preliminary legal and factual research and next steps, exchange correspondence with Ad Ho Group 2.70 Hrs	\$2,686.50

<b>September 27, 2024</b> [PAS Biller] Analyze removal notices and prepare outline of evidence and argument for motions to remand 2.10 Hrs	\$2,089.50	<b>September 27, 2024</b> [PAS Biller] Analyze removal notices and prepare outline of evidence and argument for motions to remand 2.10 Hrs	\$2,089.50	<b>September 27, 2024</b> [PAS Biller] Analyze removal notices and prepare outline of evidence and argument for motions to remand 2.10 Hrs	\$2,089.50
<b>September 29, 2024</b> [PAS Biller] Legal research and analysis re removal, remand motions, and procedural matters. 1.80 Hrs	\$1,791.00	<b>September 29, 2024</b> [PAS Biller] Legal research and analysis re removal, remand motions, and procedural matters. 1.80 Hrs	\$1,791.00	<b>September 29, 2024</b> [PAS Biller] Legal research and analysis re removal, remand motions, and procedural matters. 1.80 Hrs	\$1,791.00
<b>September 29, 2024</b> [RJP Biller] Exchange correspondence with A. Collins re removal of Orrick and discussion of same. 0.10 Hrs	No Charge	<b>September 29, 2024</b> [RJP Biller] Exchange correspondence with A. Collins re removal of Orrick and discussion of same. 0.10 Hrs	No Charge	<b>September 29, 2024</b> [RJP Biller] Exchange correspondence with A. Collins re removal of Orrick and discussion of same. 0.10 Hrs	No Charge
<b>September 30, 2024</b> [PAS Biller] Legal research and analysis re removal, remand motions, and procedural; coordinate with R. Pfister 2.20 Hrs	\$2,189.00	<b>September 30, 2024</b> [PAS Biller] Legal research and analysis re removal, remand motions, and procedural; coordinate with R. Pfister 2.20 Hrs	\$2,189.00	<b>September 30, 2024</b> [PAS Biller] Legal research and analysis re removal, remand motions, and procedural; coordinate with R. Pfister 2.20 Hrs	\$2,189.00
<b>September 30, 2024</b> [PAS Biller] Conference call with A Collins, T. McLaughlin and R. Pfister re Orrick removal and remand motion. 1 Hrs	No Charge	<b>September 30, 2024</b> [PAS Biller] Conference call with A Collins, T. McLaughlin and R. Pfister re Orrick removal and remand motion. 1 Hrs	No Charge	<b>September 30, 2024</b> [PAS Biller] Conference call with A Collins, T. McLaughlin and R. Pfister re Orrick removal and remand motion. 1 Hrs	No Charge

<b>September 30, 2024</b> [RJP Biller] Conference call with A Collins, T. McLaughlin and R. Pfister re Orrick removal and remand motion. 1 Hrs	\$995.00	<b>September 30, 2024</b> [RJP Biller] Conference call with A Collins, T. McLaughlin and R. Pfister re Orrick removal and remand motion. 1 Hrs	\$995.00	<b>September 30, 2024</b> [RJP Biller] Conference call with A Collins, T. McLaughlin and R. Pfister re Orrick removal and remand motion. 1 Hrs	\$995.00
<b>September 30, 2024</b> [PAS Biller] Analyze material and prepare outline for Orrick Motion to Remand 1.90 Hrs	\$1,890.50	<b>September 30, 2024</b> [PAS Biller] Analyze material and prepare outline for Orrick Motion to Remand 1.90 Hrs	\$1,890.50	<b>September 30, 2024</b> [PAS Biller] Analyze material and prepare outline for Orrick Motion to Remand 1.90 Hrs	\$1,890.50
<b>October 1, 2024</b> [PAS Biller] Exchange correspondence with A. Collins and T. McLaughlin re Orrick remand motion 0.10 Hrs	No Charge	<b>October 1, 2024</b> [PAS Biller] Exchange correspondence with A. Collins and T. McLaughlin re Orrick remand motion 0.10 Hrs	No Charge	<b>October 1, 2024</b> [PAS Biller] Exchange correspondence with A. Collins and T. McLaughlin re Orrick remand motion 0.10 Hrs	No Charge
<b>October 1, 2024</b> [RJP Biller] Exchange correspondence with client group 0.20 Hrs	No Charge	<b>October 1, 2024</b> [RJP Biller] Exchange correspondence with client group 0.20 Hrs	No Charge	<b>October 1, 2024</b> [RJP Biller] Exchange correspondence with client group 0.20 Hrs	No Charge
<b>October 2, 2024</b> [PAS Biller] Research and draft Orrick motion to remand 3.50 Hrs	\$3,482.50	<b>October 2, 2024</b> [PAS Biller] Research and draft Orrick motion to remand 3.50 Hrs	\$3,482.50	<b>October 2, 2024</b> [PAS Biller] Research and draft Orrick motion to remand 3.50 Hrs	\$3,482.50

<b>October 3, 2024</b> [PAS Biller] Analyze local rules and individual practices for Judge Sargis re remand motions 0.20 Hrs	No Charge	<b>October 3, 2024</b> [PAS Biller] Analyze local rules and individual practices for Judge Sargis re remand motions 0.20 Hrs	No Charge	<b>October 3, 2024</b> [PAS Biller] Analyze local rules and individual practices for Judge Sargis re remand motions 0.20 Hrs	No Charge
<b>October 3, 2024</b> [PAS Biller] Prepare Orrick motion to remand and supporting declarations 2.90 Hrs	\$2,885.50	<b>October 3, 2024</b> [PAS Biller] Prepare Orrick motion to remand and supporting declarations 2.90 Hrs	\$2,885.50	<b>October 3, 2024</b> [PAS Biller] Prepare Orrick motion to remand and supporting declarations 2.90 Hrs	\$2,885.50
<b>October 3, 2024</b> [RJP Biller] Analyze removal papers and newly-opened dockets re cases removed from state court, exchange correspondence with counsel and coordinate with P. Saso re remand briefing 1.30 Hrs	\$1,295.50	<b>October 3, 2024</b> [RJP Biller] Analyze removal papers and newly-opened dockets re cases removed from state court, exchange correspondence with counsel and coordinate with P. Saso re remand briefing 1.30 Hrs	\$1,295.50	<b>October 3, 2024</b> [RJP Biller] Analyze removal papers and newly-opened dockets re cases removed from state court, exchange correspondence with counsel and coordinate with P. Saso re remand briefing 1.30 Hrs	\$1,295.50
<b>October 4, 2024</b> [PAS Biller] Review removed cases and prepare notes re strategy / timing for remand motions 0.40 Hrs	\$398.00	<b>October 4, 2024</b> [PAS Biller] Review removed cases and prepare notes re strategy / timing for remand motions 0.40 Hrs	\$398.00	<b>October 4, 2024</b> [PAS Biller] Review removed cases and prepare notes re strategy / timing for remand motions 0.40 Hrs	\$398.00

<b>October 8, 2024</b> [RJP Biller] Analyze materials re Orrick discovery in light of removal to bankruptcy court, exchange correspondence with T. McLaughlin re same and next steps 0.40 Hrs	\$995.00	<b>October 8, 2024</b> [RJP Biller] Analyze materials re Orrick discovery in light of removal to bankruptcy court, exchange correspondence with T. McLaughlin re same and next steps 0.40 Hrs	\$995.00	<b>October 8, 2024</b> [RJP Biller] Analyze materials re Orrick discovery in light of removal to bankruptcy court, exchange correspondence with T. McLaughlin re same and next steps 0.40 Hrs	\$995.00
<b>October 9, 2024</b> [PAS Biller] Legal and factual research and analysis re equitable remand under section 1452(b) 2.10 Hrs	No Charge	<b>October 9, 2024</b> [PAS Biller] Legal and factual research and analysis re equitable remand under section 1452(b) 2.10 Hrs	No Charge	<b>October 9, 2024</b> [PAS Biller] Legal and factual research and analysis re equitable remand under section 1452(b) 2.10 Hrs	No Charge
<b>October 9, 2024</b> [RJP Biller] Analyze scheduling order re Orrick; exchange correspondence with T. McLaughlin re discovery options in light of same 0.40 Hrs	\$398.00	<b>October 9, 2024</b> [RJP Biller] Analyze scheduling order re Orrick; exchange correspondence with T. McLaughlin re discovery options in light of same 0.40 Hrs	\$398.00	<b>October 9, 2024</b> [RJP Biller] Analyze scheduling order re Orrick; exchange correspondence with T. McLaughlin re discovery options in light of same 0.40 Hrs	\$398.00
<b>October 10, 2024</b> [PAS Biller] Review and revise Rule 9027 and LBR 9015-2 notices 0.20 Hrs	No Charge	<b>October 10, 2024</b> [PAS Biller] Review and revise Rule 9027 and LBR 9015-2 notices 0.20 Hrs	No Charge	<b>October 10, 2024</b> [PAS Biller] Review and revise Rule 9027 and LBR 9015-2 notices 0.20 Hrs	No Charge
<b>October 10, 2024</b> [PAS Biller] Prepare Orrick motion to remand 1.80 Hrs	\$1,791.00	<b>October 10, 2024</b> [PAS Biller] Prepare Orrick motion to remand 1.80 Hrs	\$1,791.00	<b>October 10, 2024</b> [PAS Biller] Prepare Orrick motion to remand 1.80 Hrs	\$1,791.00

<b>October 10, 2024</b> [RJP Biller] Draft, revise, finalize, and file Rule 9027 and LBR 9015-2 statements in Wicker, Floyd-Carter, Evans, Orrick, and Russell-Washington (2.2); analyze discharge order and review implications re removal timing (0.2); follow-up correspondence re discovery and next steps in Orrick (0.1) 2.50 Hrs	\$2,487.50	<b>October 10, 2024</b> [RJP Biller] Draft, revise, finalize, and file Rule 9027 and LBR 9015-2 statements in Wicker, Floyd-Carter, Evans, Orrick, and Russell-Washington (2.2); analyze discharge order and review implications re removal timing (0.2); follow-up correspondence re discovery and next steps in Orrick (0.1) 2.50 Hrs	\$2,487.50	<b>October 10, 2024</b> [RJP Biller] Draft, revise, finalize, and file Rule 9027 and LBR 9015-2 statements in Wicker, Floyd-Carter, Evans, Orrick, and Russell-Washington (2.2); analyze discharge order and review implications re removal timing (0.2); follow-up correspondence re discovery and next steps in Orrick (0.1) 2.50 Hrs	\$2,487.50
<b>October 11, 2024</b> [PAS Biller] Continued factual and legal analysis re equitable remand 2.00 Hrs	No Charge	<b>October 11, 2024</b> [PAS Biller] Continued factual and legal analysis re equitable remand 2.00 Hrs	No Charge	<b>October 11, 2024</b> [PAS Biller] Continued factual and legal analysis re equitable remand 2.00 Hrs	No Charge
<b>October 11, 2024</b> [PAS Biller] Prepare Orrick remand motion and supporting materials 1.40 Hrs	\$1,393.00	<b>October 11, 2024</b> [PAS Biller] Prepare Orrick remand motion and supporting materials 1.40 Hrs	\$1,393.00	<b>October 11, 2024</b> [PAS Biller] Prepare Orrick remand motion and supporting materials 1.40 Hrs	\$1,393.00
<b>October 11, 2024</b> [RJP Biller] Follow-up correspondence re Orrick and filed Rule 9027 and LBR 9015-2 statements 0.02 Hrs	No Charge	<b>October 11, 2024</b> [RJP Biller] Follow-up correspondence re Orrick and filed Rule 9027 and LBR 9015-2 statements 0.02 Hrs	No Charge	<b>October 11, 2024</b> [RJP Biller] Follow-up correspondence re Orrick and filed Rule 9027 and LBR 9015-2 statements 0.02 Hrs	No Charge

<b>October 14, 2024</b> [RJP Biller] Analyze additional removal notices; exchange correspondence re same and re remand timing 0.30 Hrs	\$298.50	<b>October 14, 2024</b> [RJP Biller] Analyze additional removal notices; exchange correspondence re same and re remand timing 0.30 Hrs	\$298.50	<b>October 14, 2024</b> [RJP Biller] Analyze additional removal notices; exchange correspondence re same and re remand timing 0.30 Hrs	\$298.50
<b>October 14, 2024</b> [PAS Biller] Prepare Orrick motion to remand and supporting papers 5.30 Hrs	\$5,273.50	<b>October 14, 2024</b> [PAS Biller] Prepare Orrick motion to remand and supporting papers 5.30 Hrs	\$5,273.50	<b>October 14, 2024</b> [PAS Biller] Prepare Orrick motion to remand and supporting papers 5.30 Hrs	\$5,273.50
<b>October 16, 2024</b> [PAS Biller] Review and revise declarations in support of Orrick remand motion. 0.40 Hrs	\$398.00	<b>October 16, 2024</b> [PAS Biller] Review and revise declarations in support of Orrick remand motion. 0.40 Hrs	\$398.00	<b>October 16, 2024</b> [PAS Biller] Review and revise declarations in support of Orrick remand motion. 0.40 Hrs	\$398.00
<b>October 17, 2024</b> [RJP Biller] Revise, finalize and file Orrick remand motion and supporting papers (3.2); prepare and file Rule 9027 and LBR 9015-2 notices in Portis and Knestrict (0.7); analyze removed dockets and prepare notes re timing (0.4)	\$4,278.50	<b>October 17, 2024</b> [RJP Biller] Revise, finalize and file Orrick remand motion and supporting papers (3.2); prepare and file Rule 9027 and LBR 9015-2 notices in Portis and Knestrict (0.7); analyze removed dockets and prepare notes re timing (0.4)	\$4,278.50	<b>October 17, 2024</b> [RJP Biller] Revise, finalize and file Orrick remand motion and supporting papers (3.2); prepare and file Rule 9027 and LBR 9015-2 notices in Portis and Knestrict (0.7); analyze removed dockets and prepare notes re timing (0.4)	\$4,278.50



<b>October 17, 2024</b> [PAS Biller] Revise and finalize Orrick remand motion and supporting papers 1.60 Hrs	\$1,592.00	<b>October 17, 2024</b> [PAS Biller] Revise and finalize Orrick remand motion and supporting papers 1.60 Hrs	\$1,592.00	<b>October 17, 2024</b> [PAS Biller] Revise and finalize Orrick remand motion and supporting papers 1.60 Hrs	\$1,592.00
<b>October 18, 2024</b> [PAS Biller] Analyze strategy of timing and sequencing of remand motions and coordinate with R. Pfister re same (0.4); review PHV requirements re E.D. Cal. (0.2) 0.60 Hrs	No Charge	<b>October 18, 2024</b> [PAS Biller] Analyze strategy of timing and sequencing of remand motions and coordinate with R. Pfister re same (0.4); review PHV requirements re E.D. Cal. (0.2) 0.60 Hrs	No Charge	<b>October 18, 2024</b> [PAS Biller] Analyze strategy of timing and sequencing of remand motions and coordinate with R. Pfister re same (0.4); review PHV requirements re E.D. Cal. (0.2) 0.60 Hrs	No Charge
<b>October 18, 2024</b> [RJP Biller] Prepare detailed client update re removals, remand motions, and next steps in connection with abstention; exchange follow-up correspondence re same; coordinate with P. Saso re remand motions in remaining removed cases 1.00 Hrs	\$995.00	<b>October 18, 2024</b> [RJP Biller] Prepare detailed client update re removals, remand motions, and next steps in connection with abstention; exchange follow-up correspondence re same; coordinate with P. Saso re remand motions in remaining removed cases 1.00 Hrs	\$995.00	<b>October 18, 2024</b> [RJP Biller] Prepare detailed client update re removals, remand motions, and next steps in connection with abstention; exchange follow-up correspondence re same; coordinate with P. Saso re remand motions in remaining removed cases 1.00 Hrs	\$995.00
<b>October 21, 2024</b> [PAS Biller] Exchange correspondence with client group re fact gathering for motions to remand; follow-up re same 0.70 Hrs	\$696.50	<b>October 21, 2024</b> [PAS Biller] Exchange correspondence with client group re fact gathering for motions to remand; follow-up re same 0.70 Hrs	\$696.50	<b>October 21, 2024</b> [PAS Biller] Exchange correspondence with client group re fact gathering for motions to remand; follow-up re same 0.70 Hrs	\$696.50

<b>October 22, 2024</b> [RJP Biller] Analyze removed cases and prepare outline re remand / abstention issues; exchange correspondence re same 0.80 Hrs	\$796.00	<b>October 22, 2024</b> [RJP Biller] Analyze removed cases and prepare outline re remand / abstention issues; exchange correspondence re same 0.80 Hrs	\$796.00	<b>October 22, 2024</b> [RJP Biller] Analyze removed cases and prepare outline re remand / abstention issues; exchange correspondence re same 0.80 Hrs	\$796.00
<b>October 22, 2024</b> [PAS Biller] Prepare PHV motion in E.D. Cal. 0.20 Hrs	No Charge	<b>October 22, 2024</b> [PAS Biller] Prepare PHV motion in E.D. Cal. 0.20 Hrs	No Charge	<b>October 22, 2024</b> [PAS Biller] Prepare PHV motion in E.D. Cal. 0.20 Hrs	No Charge
<b>October 23, 2024</b> [RJP Biller] Review client correspondence re remand motions; coordinate with P. Saso re briefing 0.30 Hrs	No Charge	<b>October 23, 2024</b> [RJP Biller] Review client correspondence re remand motions; coordinate with P. Saso re briefing 0.30 Hrs	No Charge	<b>October 23, 2024</b> [RJP Biller] Review client correspondence re remand motions; coordinate with P. Saso re briefing 0.30 Hrs	No Charge
<b>October 23, 2024</b> [PAS Biller] Prepare remand motions and supporting papers in E.D. Cal. cases (Evans, Russell-Washington) 2.40 Hrs	\$2,388.00	<b>October 23, 2024</b> [PAS Biller] Prepare remand motions and supporting papers in E.D. Cal. cases (Evans, Russell-Washington) 2.40 Hrs	\$2,388.00	<b>October 23, 2024</b> [PAS Biller] Prepare remand motions and supporting papers in E.D. Cal. cases (Evans, Russell-Washington) 2.40 Hrs	\$2,388.00
<b>October 23, 2024</b> [PAS Biller] Exchange correspondence re remand motions; coordinate with R. Pfister re same 0.03 Hrs	No Charge	<b>October 23, 2024</b> [PAS Biller] Exchange correspondence re remand motions; coordinate with R. Pfister re same 0.03 Hrs	No Charge	<b>October 23, 2024</b> [PAS Biller] Exchange correspondence re remand motions; coordinate with R. Pfister re same 0.03 Hrs	No Charge

<b>October 24, 2024</b> [RJP Biller] Review and revise interim drafts of remand motions, including further research re same 1.50 Hrs	\$1,492.50	<b>October 24, 2024</b> [RJP Biller] Review and revise interim drafts of remand motions, including further research re same 1.50 Hrs	\$1,492.50	<b>October 24, 2024</b> [RJP Biller] Review and revise interim drafts of remand motions, including further research re same 1.50 Hrs	\$1,492.50
<b>October 24, 2024</b> [RJP Biller] Confer with P. Saso re revisions to remand motions and re motion to dismiss appeal 0.80 Hrs	No Charge	<b>October 24, 2024</b> [RJP Biller] Confer with P. Saso re revisions to remand motions and re motion to dismiss appeal 0.80 Hrs	No Charge	<b>October 24, 2024</b> [RJP Biller] Confer with P. Saso re revisions to remand motions and re motion to dismiss appeal 0.80 Hrs	No Charge
<b>October 23, 2024</b> [PAS Biller] Prepare and revise Evans and Wicker remand motions and supporting papers 2.30 Hrs	\$2,288.50	<b>October 23, 2024</b> [PAS Biller] Prepare and revise Evans and Wicker remand motions and supporting papers 2.30 Hrs	\$2,288.50	<b>October 23, 2024</b> [PAS Biller] Prepare and revise Evans and Wicker remand motions and supporting papers 2.30 Hrs	\$2,288.50
<b>October 25, 2024</b> [RJP Biller] Revise, finalize, and file remand motions and supporting papers in C.D. Cal. removed cases (Wicker, Carter-Floyd); revise and finalize remand motions and supporting papers in E.D. Cal. removed cases (Evans, Russell-Washington) 6.80 Hrs	\$6,766.00	<b>October 25, 2024</b> [RJP Biller] Revise, finalize, and file remand motions and supporting papers in C.D. Cal. removed cases (Wicker, Carter-Floyd); revise and finalize remand motions and supporting papers in E.D. Cal. removed cases (Evans, Russell-Washington) 6.80 Hrs	\$6,766.00	<b>October 25, 2024</b> [RJP Biller] Revise, finalize, and file remand motions and supporting papers in C.D. Cal. removed cases (Wicker, Carter-Floyd); revise and finalize remand motions and supporting papers in E.D. Cal. removed cases (Evans, Russell-Washington) 6.80 Hrs	\$6,766.00

<b>October 25, 2024</b> [RJP Biller] Review defense filings in removed cases (supplements to dockets, notices of status conferences); review pertinent rules re same 0.30	No Charge	<b>October 25, 2024</b> [RJP Biller] Review defense filings in removed cases (supplements to dockets, notices of status conferences); review pertinent rules re same 0.30	No Charge	<b>October 25, 2024</b> [RJP Biller] Review defense filings in removed cases (supplements to dockets, notices of status conferences); review pertinent rules re same 0.30	No Charge
<b>October 25, 2024</b> [PAS Biller] Revise and finalize remand papers in Wicker, Carter-Floyd, Evans, and Russell-Washington 5.20 Hrs	\$5,174.00	<b>October 25, 2024</b> [PAS Biller] Revise and finalize remand papers in Wicker, Carter-Floyd, Evans, and Russell-Washington 5.20 Hrs	\$5,174.00	<b>October 25, 2024</b> [PAS Biller] Revise and finalize remand papers in Wicker, Carter-Floyd, Evans, and Russell-Washington 5.20 Hrs	\$5,174.00
<b>October 26, 2024</b> [RJP Biller] Finalize and file remand motions in Evans and Russell-Washington 1.00 Hrs	\$995.00	<b>October 26, 2024</b> [RJP Biller] Finalize and file remand motions in Evans and Russell-Washington 1.00 Hrs	\$995.00	<b>October 26, 2024</b> [RJP Biller] Finalize and file remand motions in Evans and Russell-Washington 1.00 Hrs	\$995.00
<b>October 28, 2024</b> [PAS Biller] Prepare Portis motion to remand 1.10 Hrs	\$1,094.50	<b>October 28, 2024</b> [PAS Biller] Prepare Portis motion to remand 1.10 Hrs	\$1,094.50	<b>October 28, 2024</b> [PAS Biller] Prepare Portis motion to remand 1.10 Hrs	\$1,094.50
<b>October 28, 2024</b> [RJP Biller] Prepare and file Orrick remand motion supplement (Debtors' motion to dismiss) 1.50 Hrs	\$497.50	<b>October 28, 2024</b> [RJP Biller] Prepare and file Orrick remand motion supplement (Debtors' motion to dismiss) 1.50 Hrs	\$497.50	<b>October 28, 2024</b> [RJP Biller] Prepare and file Orrick remand motion supplement (Debtors' motion to dismiss) 1.50 Hrs	\$497.50

<b>October 29, 2024</b> [PAS Biller] Prepare and revise motions to remand in Portis and Knestrict 1.50 Hrs	\$1,492.50	<b>October 29, 2024</b> [PAS Biller] Prepare and revise motions to remand in Portis and Knestrict 1.50 Hrs	\$1,492.50	<b>October 29, 2024</b> [PAS Biller] Prepare and revise motions to remand in Portis and Knestrict 1.50 Hrs	\$1,492.50
<b>October 30, 2024</b> [PAS Biller] Confer and correspond with state court counsel and R. Pfister re status conferences in removed matters 0.20 Hrs	No Charge	<b>October 30, 2024</b> [PAS Biller] Confer and correspond with state court counsel and R. Pfister re status conferences in removed matters 0.20 Hrs	No Charge	<b>October 30, 2024</b> [PAS Biller] Confer and correspond with state court counsel and R. Pfister re status conferences in removed matters 0.20 Hrs	No Charge
<b>October 30, 2024</b> [PAS Biller] Analyze status conference orders entered by Judge Kaufman in removed matters and prepare for meet-and-confer negotiations with defense counsel re same (0.6); revise and finalize Knestrict remand papers (1.0) 1.60 Hrs	\$1,592.00	<b>October 30, 2024</b> [PAS Biller] Analyze status conference orders entered by Judge Kaufman in removed matters and prepare for meet-and-confer negotiations with defense counsel re same (0.6); revise and finalize Knestrict remand papers (1.0) 1.60 Hrs	\$1,592.00	<b>October 30, 2024</b> [PAS Biller] Analyze status conference orders entered by Judge Kaufman in removed matters and prepare for meet-and-confer negotiations with defense counsel re same (0.6); revise and finalize Knestrict remand papers (1.0) 1.60 Hrs	\$1,592.00
<b>November 2, 2024</b> [RJP Biller] Revise, finalize, and file Portis (C.D. Cal.) remand motion and supporting papers 1.30 Hrs	\$1,293.50	<b>November 2, 2024</b> [RJP Biller] Revise, finalize, and file Portis (C.D. Cal.) remand motion and supporting papers 1.30 Hrs	\$1,293.50	<b>November 2, 2024</b> [RJP Biller] Revise, finalize, and file Portis (C.D. Cal.) remand motion and supporting papers 1.30 Hrs	\$1,293.50

<b>November 2, 2024</b> [RJP Biller] Review status conference continuance and PHV papers; Coordinate with P. Saso re same 0.20 Hrs	No Charge	<b>November 2, 2024</b> [RJP Biller] Review status conference continuance and PHV papers; Coordinate with P. Saso re same 0.20 Hrs	No Charge	<b>November 2, 2024</b> [RJP Biller] Review status conference continuance and PHV papers; Coordinate with P. Saso re same 0.20 Hrs	No Charge
<b>November 3, 2024</b> [PAS Biller] Coordinate with R. Pfister re remand motions and next steps 0.10 Hrs	No Charge	<b>November 3, 2024</b> [PAS Biller] Coordinate with R. Pfister re remand motions and next steps 0.10 Hrs	No Charge	<b>November 3, 2024</b> [PAS Biller] Coordinate with R. Pfister re remand motions and next steps 0.10 Hrs	No Charge
<b>November 3, 2024</b> [RJP Biller] Exchange correspondence re remand motions 0.10 Hrs	No Charge	<b>November 3, 2024</b> [RJP Biller] Exchange correspondence re remand motions 0.10 Hrs	No Charge	<b>November 3, 2024</b> [RJP Biller] Exchange correspondence re remand motions 0.10 Hrs	No Charge
<b>November 4, 2024</b> [PAS Biller] Confer and correspond with R. Pfister re remand motions, status conferences, and timing; Attention to PHV matters 0.50 Hrs	No Charge	<b>November 4, 2024</b> [PAS Biller] Confer and correspond with R. Pfister re remand motions, status conferences, and timing; Attention to PHV matters 0.50 Hrs	No Charge	<b>November 4, 2024</b> [PAS Biller] Confer and correspond with R. Pfister re remand motions, status conferences, and timing; Attention to PHV matters 0.50 Hrs	No Charge
<b>November 4, 2024</b> [RJP Biller] Coordinate service of remand motions and review as-docketed versions of same; Exchange correspondence with P. Saso 1 Hrs	No Charge	<b>November 4, 2024</b> [RJP Biller] Coordinate service of remand motions and review as-docketed versions of same; Exchange correspondence with P. Saso 1 Hrs	No Charge	<b>November 4, 2024</b> [RJP Biller] Coordinate service of remand motions and review as-docketed versions of same; Exchange correspondence with P. Saso 1 Hrs	No Charge

<b>November 19, 2024</b> [RJP Biller] Analyze transcript of Orrick remand hearing and prepare notes for forthcoming E.D. Cal. remand replies (Russell, Evans, Knestrict) 0.70 Hrs	\$696.50	<b>November 19, 2024</b> [RJP Biller] Analyze transcript of Orrick remand hearing and prepare notes for forthcoming E.D. Cal. remand replies (Russell, Evans, Knestrict) 0.70 Hrs	\$696.50	<b>November 19, 2024</b> [RJP Biller] Analyze transcript of Orrick remand hearing and prepare notes for forthcoming E.D. Cal. remand replies (Russell, Evans, Knestrict) 0.70 Hrs	\$696.50
<b>November 21, 2024</b> [RJP Biller] Preliminary review of Evans and Russell opposition papers 0.40 Hrs	\$398.00	<b>November 21, 2024</b> [RJP Biller] Preliminary review of Evans and Russell opposition papers 0.40 Hrs	\$398.00	<b>November 21, 2024</b> [RJP Biller] Preliminary review of Evans and Russell opposition papers 0.40 Hrs	\$398.00
<b>November 21, 2024</b> [PAS Biller] Analyze opposition papers re Russell and Evans remand motions; Prepare notes re reply points and research issues re same 2.20 Hrs	\$2,189.00	<b>November 21, 2024</b> [PAS Biller] Analyze opposition papers re Russell and Evans remand motions; Prepare notes re reply points and research issues re same 2.20 Hrs	\$2,189.00	<b>November 21, 2024</b> [PAS Biller] Analyze opposition papers re Russell and Evans remand motions; Prepare notes re reply points and research issues re same 2.20 Hrs	\$2,189.00
<b>November 22, 2024</b> [PAS Biller] Video conference with R. Pfister re upcoming remand motion replies, hearings, and timing 0.80 Hrs	No Charge	<b>November 22, 2024</b> [PAS Biller] Video conference with R. Pfister re upcoming remand motion replies, hearings, and timing 0.80 Hrs	No Charge	<b>November 22, 2024</b> [PAS Biller] Video conference with R. Pfister re upcoming remand motion replies, hearings, and timing 0.80 Hrs	No Charge

<b>November 22, 2024</b> [RJP Biller] Video conference with P. Saso re motions to remand and abstention issues 0.80 Hrs	\$796.00	<b>November 22, 2024</b> [RJP Biller] Video conference with P. Saso re motions to remand and abstention issues 0.80 Hrs	\$796.00	<b>November 22, 2024</b> [RJP Biller] Video conference with P. Saso re motions to remand and abstention issues 0.80 Hrs	\$796.00
<b>November 22, 2024</b> [RJP Biller] Analyze Evans, Russell, and Knestrict opposition papers; Prepare client correspondence re same; outline reply points 1.50 Hrs	\$1,492.50	<b>November 22, 2024</b> [RJP Biller] Analyze Evans, Russell, and Knestrict opposition papers; Prepare client correspondence re same; outline reply points 1.50 Hrs	\$1,492.50	<b>November 22, 2024</b> [RJP Biller] Analyze Evans, Russell, and Knestrict opposition papers; Prepare client correspondence re same; outline reply points 1.50 Hrs	\$1,492.50
<b>November 23, 2024</b> [PAS Biller] Analyze Knestrict opposition papers; prepare notes and research issues re reply brief 0.90 Hrs	\$895.50	<b>November 23, 2024</b> [PAS Biller] Analyze Knestrict opposition papers; prepare notes and research issues re reply brief 0.90 Hrs	\$895.50	<b>November 23, 2024</b> [PAS Biller] Analyze Knestrict opposition papers; prepare notes and research issues re reply brief 0.90 Hrs	\$895.50
<b>November 25, 2024</b> [PAS Biller] Prepare portions of Evans, Russell, and Knestrict replies addressing Orrick ruling and implications thereof (3.2); follow-up research and analysis re abstention factors (0.7); analyze Holben (non-AHG) remand briefing (0.2) 4.10 Hrs	\$4,079.50	<b>November 25, 2024</b> [PAS Biller] Prepare portions of Evans, Russell, and Knestrict replies addressing Orrick ruling and implications thereof (3.2); follow-up research and analysis re abstention factors (0.7); analyze Holben (non-AHG) remand briefing (0.2) 4.10 Hrs	\$4,079.50	<b>November 25, 2024</b> [PAS Biller] Prepare portions of Evans, Russell, and Knestrict replies addressing Orrick ruling and implications thereof (3.2); follow-up research and analysis re abstention factors (0.7); analyze Holben (non-AHG) remand briefing (0.2) 4.10 Hrs	\$4,079.50



<b>November 26, 2024</b> [PAS Biller] Coordinate with R. Pfister re Evans, Russell, and Knestrict replies 0.40 Hrs	No Charge	<b>November 26, 2024</b> [PAS Biller] Coordinate with R. Pfister re Evans, Russell, and Knestrict replies 0.40 Hrs	No Charge	<b>November 26, 2024</b> [PAS Biller] Coordinate with R. Pfister re Evans, Russell, and Knestrict replies 0.40 Hrs	No Charge
<b>November 26, 2024</b> [RJP Biller] Prepare Evans, Russell, and Knestrict reply briefs 8.50 Hrs	\$8,457.50	<b>November 26, 2024</b> [RJP Biller] Prepare Evans, Russell, and Knestrict reply briefs 8.50 Hrs	\$8,457.50	<b>November 26, 2024</b> [RJP Biller] Prepare Evans, Russell, and Knestrict reply briefs 8.50 Hrs	\$8,457.50
<b>November 27, 2024</b> [PAS Biller] Revise Evans, Knestrict, and Russell remand reply papers, including follow-up research points 2.40 Hrs	\$2,388.00	<b>November 27, 2024</b> [PAS Biller] Revise Evans, Knestrict, and Russell remand reply papers, including follow-up research points 2.40 Hrs	\$2,388.00	<b>November 27, 2024</b> [PAS Biller] Revise Evans, Knestrict, and Russell remand reply papers, including follow-up research points 2.40 Hrs	\$2,388.00
<b>November 27, 2024</b> [RJP Biller] Revise and finalize Evans, Russell, and Knestrict reply briefs 6.50 Hrs	\$6,467.50	<b>November 27, 2024</b> [RJP Biller] Revise and finalize Evans, Russell, and Knestrict reply briefs 6.50 Hrs	\$6,467.50	<b>November 27, 2024</b> [RJP Biller] Revise and finalize Evans, Russell, and Knestrict reply briefs 6.50 Hrs	\$6,467.50
<b>November 28, 2024</b> [PAS Biller] Finalize E.D. Cal. reply papers, with R. Pfister 1.00 Hrs	No Charge	<b>November 28, 2024</b> [PAS Biller] Finalize E.D. Cal. reply papers, with R. Pfister 1.00 Hrs	No Charge	<b>November 28, 2024</b> [PAS Biller] Finalize E.D. Cal. reply papers, with R. Pfister 1.00 Hrs	No Charge
<b>November 28, 2024</b> [RJP Biller] Finalize and file E.D. Cal. reply briefs 1.50 Hrs	\$1,492.50	<b>November 28, 2024</b> [RJP Biller] Finalize and file E.D. Cal. reply briefs 1.50 Hrs	\$1,492.50	<b>November 28, 2024</b> [RJP Biller] Finalize and file E.D. Cal. reply briefs 1.50 Hrs	\$1,492.50

<b>December 2, 2024</b> [RJP Biller] Coordinate with E.D. Cal. Clerk re remand reply papers in Russell, Evans, and Knestrict; Review final, as-docketed papers; prepare and file errata 0.80 Hrs	No Charge	<b>December 2, 2024</b> [RJP Biller] Coordinate with E.D. Cal. Clerk re remand reply papers in Russell, Evans, and Knestrict; Review final, as-docketed papers; prepare and file errata 0.80 Hrs	No Charge	<b>December 2, 2024</b> [RJP Biller] Coordinate with E.D. Cal. Clerk re remand reply papers in Russell, Evans, and Knestrict; Review final, as-docketed papers; prepare and file errata 0.80 Hrs	No Charge
<b>December 4, 2024</b> [PAS Biller] Analyze tentative rulings on Evans, Knestrict, and Russell-Washington remand motions; Exchange correspondence with R. Pfister re hearing preparation and strategy 0.50 Hrs	\$497.50	<b>December 4, 2024</b> [PAS Biller] Analyze tentative rulings on Evans, Knestrict, and Russell-Washington remand motions; Exchange correspondence with R. Pfister re hearing preparation and strategy 0.50 Hrs	\$497.50	<b>December 4, 2024</b> [PAS Biller] Analyze tentative rulings on Evans, Knestrict, and Russell-Washington remand motions; Exchange correspondence with R. Pfister re hearing preparation and strategy 0.50 Hrs	\$497.50
<b>December 4, 2024</b> [RJP Biller] Analyze tentative rulings granting remand motions in Russell, Evans, and Knestrict; Prepare client update re same and prepare for December 5 hearing 1.50 Hrs	\$1,492.50	<b>December 4, 2024</b> [RJP Biller] Analyze tentative rulings granting remand motions in Russell, Evans, and Knestrict; Prepare client update re same and prepare for December 5 hearing 1.50 Hrs	\$1,492.50	<b>December 4, 2024</b> [RJP Biller] Analyze tentative rulings granting remand motions in Russell, Evans, and Knestrict; Prepare client update re same and prepare for December 5 hearing 1.50 Hrs	\$1,492.50

<b>December 5, 2024</b> [RJP Biller] Appear and argue at hearing on remand motions in Russell, Evans, and Knestrict, including final preparations and follow-up re same; prepare client update re same 1.20 Hrs	\$1,194.00	<b>December 5, 2024</b> [RJP Biller] Appear and argue at hearing on remand motions in Russell, Evans, and Knestrict, including final preparations and follow-up re same; prepare client update re same 1.20 Hrs	\$1,194.00	<b>December 5, 2024</b> [RJP Biller] Appear and argue at hearing on remand motions in Russell, Evans, and Knestrict, including final preparations and follow-up re same; prepare client update re same 1.20 Hrs	\$1,194.00
<b>December 9, 2024</b> [PAS Biller] Review transcripts of E.D. Cal. remand hearings; Exchange correspondence with R. Pfister re same 0.20 Hrs	No Charge	<b>December 9, 2024</b> [PAS Biller] Review transcripts of E.D. Cal. remand hearings; Exchange correspondence with R. Pfister re same 0.20 Hrs	No Charge	<b>December 9, 2024</b> [PAS Biller] Review transcripts of E.D. Cal. remand hearings; Exchange correspondence with R. Pfister re same 0.20 Hrs	No Charge
<b>December 11, 2024</b> [RJP Biller] Exchange correspondence re Orrick post-remand matters and E.D. Cal. orders / civil minutes 0.30 Hrs	No Charge	<b>December 11, 2024</b> [RJP Biller] Exchange correspondence re Orrick post-remand matters and E.D. Cal. orders / civil minutes 0.30 Hrs	No Charge	<b>December 11, 2024</b> [RJP Biller] Exchange correspondence re Orrick post-remand matters and E.D. Cal. orders / civil minutes 0.30 Hrs	No Charge
<b>December 12, 2024</b> [PAS Biller] Telephone conference with Judge Sargis's deputy re civil minutes and orders in Russell, Evans, and Knestrict; exchange correspondence with R. Pfister re same and next steps 0.20 Hrs	\$199.00	<b>December 12, 2024</b> [PAS Biller] Telephone conference with Judge Sargis's deputy re civil minutes and orders in Russell, Evans, and Knestrict; exchange correspondence with R. Pfister re same and next steps 0.20 Hrs	\$199.00	<b>December 12, 2024</b> [PAS Biller] Telephone conference with Judge Sargis's deputy re civil minutes and orders in Russell, Evans, and Knestrict; exchange correspondence with R. Pfister re same and next steps 0.20 Hrs	\$199.00

<b>December 12, 2024</b> [RJP Biller] Coordinate with P. Saso re inquiry to Judge Sargis's courtroom deputy re Russell-Washington, Evans, and Knestrict civil minutes and orders 0.20 Hrs	No Charge	<b>December 12, 2024</b> [RJP Biller] Coordinate with P. Saso re inquiry to Judge Sargis's courtroom deputy re Russell-Washington, Evans, and Knestrict civil minutes and orders 0.20 Hrs	No Charge	<b>December 12, 2024</b> [RJP Biller] Coordinate with P. Saso re inquiry to Judge Sargis's courtroom deputy re Russell-Washington, Evans, and Knestrict civil minutes and orders 0.20 Hrs	No Charge
<b>January 17, 2025</b> [RJP Biller] Confer with P. Saso re status of civil minutes / remand orders in Evans, Knestrict, and Russell 0.10 Hrs	No Charge	<b>January 17, 2025</b> [RJP Biller] Confer with P. Saso re status of civil minutes / remand orders in Evans, Knestrict, and Russell 0.10 Hrs	No Charge	<b>January 17, 2025</b> [RJP Biller] Confer with P. Saso re status of civil minutes / remand orders in Evans, Knestrict, and Russell 0.10 Hrs	No Charge
<b>January 21, 2025</b> [RJP Biller] Review continuance orders in Russell, Evans, and Knestrict; Exchange correspondence with P. Saso re same 0.10 Hrs	No Charge	<b>January 21, 2025</b> [RJP Biller] Review continuance orders in Russell, Evans, and Knestrict; Exchange correspondence with P. Saso re same 0.10 Hrs	No Charge	<b>January 21, 2025</b> [RJP Biller] Review continuance orders in Russell, Evans, and Knestrict; Exchange correspondence with P. Saso re same 0.10 Hrs	No Charge
<b>January 29, 2025</b> [RJP Biller] Review civil minutes re Russell, Evans, and Knestrict continuances; Exchange correspondence with P. Saso re notice of subsequent developments / authority 0.20 Hrs	\$199.00	<b>January 29, 2025</b> [RJP Biller] Review civil minutes re Russell, Evans, and Knestrict continuances; Exchange correspondence with P. Saso re notice of subsequent developments / authority 0.20 Hrs	\$199.00	<b>January 29, 2025</b> [RJP Biller] Review civil minutes re Russell, Evans, and Knestrict continuances; Exchange correspondence with P. Saso re notice of subsequent developments / authority 0.20 Hrs	\$199.00

<b>January 29, 2025</b> [RJP Biller] Prepare and file notice of subsequent developments / authority in Russell, Evans, and Knestrick 1.00 Hrs	\$995.00	<b>January 29, 2025</b> [RJP Biller] Prepare and file notice of subsequent developments / authority in Russell, Evans, and Knestrick 1.00 Hrs	\$995.00	<b>January 29, 2025</b> [RJP Biller] Prepare and file notice of subsequent developments / authority in Russell, Evans, and Knestrick 1.00 Hrs	\$995.00
Total Fees From Billing Records	\$100,596.50		\$100,586.50		\$100,596.50

The court finds it not credible or believable that the billing records for the reasonable fees and costs in having to bring the Motions to Remind in the three Adversary Proceeds total \$100,596.50. These are unreliable billing records.

In the *Russell* Adversary Proceeding, the following Motion to Remand Pleadings were filed by Plaintiff:

- A. Motion to Remand, three (3) pages in length. 24-2188; Dckt. 11. The Motions to Remand in these three adversary proceedings are identical (other than the names of the plaintiffs).
- B. Memorandum of Points and Authorities, ten (10) pages in length. *Id.*; Dckt. 13. The Points and Authorities in these three adversary proceedings are identical (other than the names of the plaintiffs).
- C. Declaration of Justin Ward, three (3) pages in length, with a copy of the State Court Complaint attached. *Id.*; Dckt. 14. These three Declarations by the State Court Counsel are substantially identical.
- D. Declaration of Robert Pfister, seven (7) pages in length with 96 pages of exhibits attached. *Id.*; Dckt. 15. The seven (7) pages of declaration are identical and the 96 pages of exhibits appear to be identical.
- E. Reply Brief, nine (9) pages in length. *Id.*; Dckt. 17.

In the *Evans* Adversary Proceeding, the following Motion to Remand Pleadings were filed by Plaintiff:

- a. Motion to Remand, three (3) pages in length. 24-2193; Dckt. 13. The Motions to Remand in these three adversary proceedings are identical (other than the names of the plaintiffs).

- b. Memorandum of Points and Authorities, ten (10) pages in length. *Id.*; Dckt. 18. The Points and Authorities in these three adversary proceedings are identical (other than the names of the plaintiffs).
- c. Declaration of Christopher Buckley, three (3) pages in length with the State Court Judgement attached. *Id.*; Dckt. 16. These three Declarations by the State Court Counsel are substantially identical.
- d. Declaration of Robert Pfister, seven (7) pages in length with 96 pages of exhibits attached. *Id.*; Dckt. 17. The seven (7) pages of declaration are identical and the 96 pages of exhibits appear to be identical.
- e. Reply Brief, ten (10) pages in length. *Id.*; Dckt. 17. (It appears that there may be a formatting difference between the this Reply Brief and the one in *Evans* which tweaks the page breaks.)

In the *Knestrict* Adversary Proceeding, the following Motion to Remand Pleadings were filed by Plaintiff:

- A. Motion to Remand; three (3) pages in length. 24-2193; Dckt. 13. The Motions to Remand in these three adversary proceedings are identical (other than the names of the plaintiffs).
- B. Memorandum of Points and Authorities, ten (10) pages in length. *Id.*; Dckt. 16. The Points and Authorities in these three adversary proceedings are identical (other than the names of the plaintiffs).
- C. Declaration of Edward Dudensing, three (3) pages in length with the State Court Judgement attached. *Id.*; Dckt. 17. These three Declarations by the State Court Counsel are substantially identical.
- D. Declaration of Robert Pfister, seven (7) pages in length with 96 pages of exhibits attached. *Id.*; Dckt. 15. The seven (7) pages of declaration are identical and the 96 pages of exhibits appear to be identical.
- E. Reply Brief, ten (10) pages in length. *Id.*; Dckt. 22. (It appears that there may be a formatting difference between the this Reply Brief and the one in *Evans* which tweaks the page breaks.)

It appears that Plaintiff's counsel has been able to effectively reduce the cost to his Plaintiff clients by having very limited, to the point pleadings which are almost identical in the three Adversary Proceedings.

While the oppositions presented by the Defendant are without merit on the question of awarding **reasonable** attorney's fees and costs, actually incurred in preparing the Motion to Remand each of the Adversary Proceedings, the respective Plaintiffs have not provided the court with evidence of what the

actual, reasonable legal services provided were and the reasonable fees that go with such reasonable and necessary legal services.

It appears that Plaintiff in this Adversary Proceeding, is trying to duplicate bill for work done on other plaintiff's cases.

In looking at the actual work done, and assuming a reasonable hourly rate, \$5,000 to \$6,000 for the Motion pleadings and oral argument. The court appreciates that Plaintiff's counsel may work on matters for with a \$950+ per hour rate will be more than reasonable, handing a "simple" motion to remand when the removal violates not only the express terms of the Confirmed Chapter 11 Plan and the plain language of the Bankruptcy jurisdictional statutes and what the bankruptcy judges and court may adjudicate and what is prohibited (such as determination of Personal Injury and Wrongful Death Claims and litigation.

At the hearing, **XXXXXXX**

The court shall issue an order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion for an Award of Attorney's Fees filed by Brandy Russell, as successor in interest to decedent Deborah Washington, and Brandy Russell, individually ("Plaintiffs"), having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Motion is **XXXXXXX**

RUBY EVANS BY AND THROUGH HER  
SUCCESSOR IN INTEREST,  
WILLETTE WILLIAMS  
V. WINDSOR VALLEJO CARE CENTER, LLC

ADVERSARY PROCEEDING  
CLOSED: 03/13/25

**Tentative Ruling:** Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court's resolution of the matter.

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Local Rule 9014-1(f)(1) Motion—Hearing Required.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Defendants Windsor Vallejo Care Center, LLC dba Windsor Vallejo Care Center and the Non-Debtor Defendants ("Defendants") on May 1, 2025. By the court's calculation, 28 days' notice was provided. 28 days' notice is required.

The Motion for an Award of Attorney's Fees has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Failure of the respondent and other parties in interest to file written opposition at least fourteen days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (upholding a court ruling based upon a local rule construing a party's failure to file opposition as consent to grant a motion). The defaults of the non-responding parties and other parties in interest are entered.

**The Motion for an Award of Attorney's Fees is XXXXXXX.**

Ruby Evans, by and through her Successor in Interest, Willette Williams ("Plaintiff") move this court for an award of attorney's fees in the amount of \$21,885 incurred in connection with Plaintiff's Motion to Remand Action to Sacramento Superior Court ("Remand Motion"), Docket 14. Plaintiff seeks the award pursuant to 28 U.S.C. § 1447(c), which states:

A motion to remand the case on the basis of any defect other than lack of subject matter jurisdiction must be made within 30 days after the filing of the notice of removal under section 1446(a). If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded. **An order remanding the case may require payment of just costs and any actual expenses, including attorney fees, incurred as a result of the removal.** A certified copy of the order of remand shall be mailed by the clerk to the clerk of the State court. The State court may thereupon proceed with such case.



(Emphasis added). Plaintiff pleads:

1. The Court's amply supported conclusion that "this removal is part of a forum shopping effort by the Defendants," Remand Opinion at 25:14. Mot. 2:13-14.
2. The fact that Defendants unnecessarily forced Plaintiff's counsel to fully brief, argue, and prosecute to conclusion seven remand motions – four in this Court, three in the Central District of California – on materially indistinguishable facts and law, all leading to precisely the same result: remand to state court. Mot. 2:15-19.
3. Notably, Plaintiff is not seeking an award of fees in the first case remanded by this Court – *Orrick v. Trestles, LLC, et al.*, Adv. Proc. No. 24-02189 (Bankr. E.D. Cal.) (remanded Nov. 15, 2024) – or any of the three cases remanded by the Bankruptcy Court in the Central District. Mot. 2:21-22.
  - a. Had *Orrick* been both the start and the end of Defendants' foray into federal court, Plaintiff would not have filed this motion. Indeed, no motion for attorneys' fees was filed in *Orrick*, and none will be. Mem. 2:14-16, Docket 44.
4. The standard for awarding fees as part of the remand motion is one of objection reasonableness, as explained in *Martin v. Franklin Cap. Corp.*, 546 U.S. 132 (2005).
  - a. After having several cases remanded to state court by this court and Judge Kaufman in the Central District, Defendants attempted further remand motions, which are simply not objectively reasonable. Mem. 6:4-7.

## DEFENDANTS' OPPOSITION

Defendants filed an Opposition on May 15, 2025. Docket 48. Defendants assert:

1. The removal was objectively reasonable. Opp'n 2:8-12. The test is not whether the removing party ultimately prevails, but whether a reasonable litigant could have believed removal was proper. *Id.* at 2:14-17.
2. Courts routinely deny fee requests when jurisdiction exists or is at least colorable. *Id.* at 2:20-21.
3. *Martin* allows for fee awards only in the presence of unusual circumstances. Defendants acted promptly and in good faith. The removal complied with all procedural requirements, and the motion to remand was briefed and resolved in an orderly manner. There is no indication that Defendants pursued removal for delay or harassment. *Id.* at 3:14-18.

4. The removals of Windsor-related state court actions to federal court were all executed at the same time. It was the filing of the motions to remand that set the cases on different time lines. *Id.* at 3:20-21.

## PLAINTIFF'S REPLY

Plaintiff filed her Reply to the Opposition on May 22, 2025. Docket 49. Plaintiff asserts:

1. The Parties agree on the legal standard of objectively reasonable, and so the court must decide which Party prevails.
2. Awarding fees upon removal is still available even if jurisdictions existed. Reply at 4:15-7:19.
3. Defendants' forum shopping was objectively unreasonable and constitutes unusual circumstances. *Id.* at 8:1-9:18.

## APPLICABLE LAW AND DISCUSSION

The court may award attorney's fees upon remanding an action to state court. 11 U.S.C. § 1447(c). The standard of awarding fees is one of objective reasonableness, as laid out by the Supreme Court in *Martin v. Franklin Cap. Corp.*, 546 U.S. 132 (2005). The Supreme Court stated in *Martin*:

By enacting the removal statute, Congress granted a right to a federal forum to a limited class of state-court defendants. If fee shifting were automatic, defendants might choose to exercise this right only in cases where the right to remove was obvious. But there is no reason to suppose Congress meant to confer a right to remove, while at the same time discouraging its exercise in all but obvious cases.

Congress, however, would not have enacted § 1447(c) if its only concern were avoiding deterrence of proper removals. Instead, Congress thought fee shifting appropriate in some cases. The process of removing a case to federal court and then having it remanded back to state court delays resolution of the case, imposes additional costs on both parties, and wastes judicial resources. Assessing costs and fees on remand reduces the attractiveness of removal as a method for delaying litigation and imposing costs on the plaintiff. The appropriate test for awarding fees under § 1447(c) should recognize the desire to deter removals sought for the purpose of prolonging litigation and imposing costs on the opposing party, while not undermining Congress' basic decision to afford defendants a right to remove as a general matter, when the statutory criteria are satisfied.

In light of these large objectives the standard for awarding fees should turn on the reasonableness of the removal. Absent unusual circumstances, courts may award attorney's fees under § 1447(c) only where the removing party lacked an objectively reasonable basis for seeking removal. Conversely, when an objectively reasonable basis exists, fees should be denied. In applying this rule, district courts retain discretion to consider whether unusual circumstances warrant a departure from the

rule in a given case. For instance, a plaintiff's delay in seeking remand or failure to disclose facts necessary to determine jurisdiction may affect the decision to award attorney's fees. When a court exercises its discretion in this manner, however, its reasons for departing from the general rule should be "faithful to the purposes" of awarding fees under § 1447(c).

*Martin*, 546 U.S. at 140-41 (internal quotations omitted).

The facts are well known to the Parties. Defendants state the ultimate standard as "The test is not whether the removing party ultimately prevails, but whether a reasonable litigant could have believed removal was proper." Opp'n 2:14-15. The court has read 28 U.S.C. § 1447(c) and *Martin* and does not see in either sources statements to support this reading of the standard. In fact, the standard is one of objective reasonableness, not whether any reasonable litigant could have believed removal to be proper.

As an initial matter, the point is well taken by Defendants that all proceedings were removed at the same time. However, the issue arises where Defendants continued to litigate and brief the issue after this court having had down the decision in *Orrick*. The court remanded the *Orrick* case to state court on November 15, 2024. *Orrick v. Trestles, LLC, et al.*, Adv. Proc. No. 24-02189, Docket 40, November 15, 2024. The case before the court now was remanded on February 20, 2025. Order, Docket 32. Defendants opposed remanding the case on November 21, 2024, approximately one week after this court remanded *Orrick*. Opp'n to Mot. to Remand, Docket 16. The facts of this case are extremely similar to those in *Orrick*. Both cases involve individuals with personal injury claims arising out of Defendants treatment of aging and elderly in their medical facilities. Both plaintiffs' causes of action were specifically provided for in a Plan of Reorganization in the Windsor case. Both plaintiffs' causes of action involved elder abuse and infliction of emotional distress resulting therefrom. It is true that the two cases were in slightly different stages of litigation, but the facts were overwhelmingly identical.

Defendants pressed forward in opposing the Motion to Remand despite having the benefit of the *Orrick* decision. Defendants made similar arguments in both oppositions to the Motions to Remand. Defendants forced Plaintiff to incur expense and caused delay as a result of pursuing their opposition. Defendants argue that they were already in the process of briefing this Motion to Remand when the court handed down the *Orrick* decision, so they decided to press forward. Opp'n 4:7-10. The sunk-cost fallacy does not justify pushing forward with Opposition. The court concludes that opposing the Motion to Remand in this case was not objectively reasonable. Therefore, the Motion is granted, and Plaintiff is awarded attorney's fees in the amount of \$21,885 for attorney's fees incurred in connection with briefing this Motion to Remand.

In the Memorandum Opinion and Decision (which is 26 pages in length) granting the Motion to Remand, it is clear that Congress has excluded "Personal Injury Claims" from bankruptcy court exercise of federal court jurisdiction.

In reviewing the proper exercise of federal court jurisdiction in connection with related to matters and the "bankruptcy intrusion" (in a positive way) on the State Court judicial process, the provisions of 28 U.S.C. § 157 are also relevant.

§ 157. Procedures

(a) Each district court may provide that any or all cases under title 11 and any or all proceedings arising under title 11 or arising in or related to a case under title 11 shall be referred to the bankruptcy judges for the district.

(b)

(1) Bankruptcy judges may hear and determine all cases under title 11 and all core proceedings arising under title 11, or arising in a case under title 11, referred under subsection (a) of this section, and may enter appropriate orders and judgments, subject to review under section 158 of this title.

(2) Core proceedings include, but are not limited to—

...

(B) allowance or disallowance of claims against the estate or exemptions from property of the estate, and estimation of claims or interests for the purposes of confirming a plan under chapter 11, 12, or 13 of title 11 **but not the liquidation or estimation of contingent or unliquidated personal injury tort or wrongful death claims against the estate for purposes of distribution in a case under title 11;**

...

(O) other proceedings affecting the liquidation of the assets of the estate or the adjustment of the debtor-creditor or the equity security holder relationship, **except personal injury tort or wrongful death claims;** and

...

(5) **The district court shall order that personal injury tort and wrongful death claims shall be tried in the district court** in which the bankruptcy case is pending, or in the district court in the district in which the claim arose, as determined by the district court in which the bankruptcy case is pending.

Memorandum Opinion and Decision, p. 6:19 - 7-28.

The Bankruptcy Court cannot, as a matter of law, adjudicate a personal injury tort or wrongful injury claim.

As the court addresses in the Memorandum Opinion and Decision, the confirmed Chapter 11 Plan to which this Adversary Proceeding is related, expressly identifies Plaintiff's claim as a "Personal Injury Claim." *Id.*; p. 9:23-10:22. Additionally, the confirmed Chapter 11 Plan expressly states:

The **Personal Injury Claim** of any claimant who does not accept the Debtors' proposed Claim settlement amount and who does not reach agreement with the Debtors through mediation or otherwise on a different mutually agreeable Claim settlement amount will be deemed a Disputed Claim, and **the holder of any such Claim will not be entitled to receive any distribution from the Reorganized Debtors unless and until such Claim becomes a liquidated Allowed Claim pursuant to a Final Order from the District Court or, to the extent the District Court elects to abstain, the applicable state court, at which time such Claim will be treated in the same manner as all other Allowed General Unsecured Claims.** For the avoidance of doubt, all rights of holders of Personal Injury Claims and the Reorganized Debtors with respect to any request for abstention by the District Court are expressly preserved and reserved.

*Id.*; p. 32:1-11.

Thus, it appears that the plain language of the Confirmed Chapter 11 Plan, drafted for and prosecuted by the Debtor-Defendant, defines Plaintiffs' claim as one for "Personal Injury."

*Id.*; p. 10:15-24.

This court addresses the question of whether Federal Court Jurisdiction exists and whether the Defendant-Debtor could seek to have bankruptcy judge adjudicate a Personal Injury Claim, stating:

#### **Federal Court Jurisdiction**

As this Court addresses in this Ruling and in detail at the hearing, Congress expressly provides for Federal Court jurisdiction in 28 U.S.C. § 157 where not only core matter proceedings, but also certain non-core proceedings, can be ruled on by a Bankruptcy Judge with the consent of the parties. However, Congress expressly provides in 11 U.S.C. § 157(b)(2)(B) that allowance or disallowance of claims based on a personal injury tort or wrongful death claims are not core matter proceedings, and even going further, Congress expressly requires that the District Court shall order that personal injury or and wrongful death claims be tried in the District Court (28 U.S.C. § 157(b)(5)). Such personal injury claims must be tried in the District Court, not the Bankruptcy Court, by the plain language of 11 U.S.C. § 157(b)(5).<sup>FN.2.</sup>

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FN. 2. The Supreme Court in *Stern v. Marshall*, 564 U.S. 462, 479-480 (2011), has held that the provisions of 28 U.S.C. § 157(b)(5) requiring that the personal injury tort and wrongful death claims shall be tried in the District Court are not statutory jurisdictional limitation provisions, but did conclude that absent the consent of the parties adjudication of such claims violated the Constitutional jurisdiction provisions providing the right to adjudication of such rights in an Article III Court.

In this Adversary Proceeding, the Plaintiffs have not consented to the Article I Bankruptcy Judge adjudicating these personal injury or wrongful death claims.

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The argument by Debtor-Defendant is that while the District Court will ultimately conduct the “trial,” it is proper for the Bankruptcy Judge to do all of the pretrial work, make the pretrial rulings, and then “assign” (in this Court’s words) the litigation to a District Court Judge to conduct the trial. This is *contra* to the District Court fulfilling its statutory duties to order that the personal injury and wrongful death claims be tried, from start to finish, in the District Court before an Article III Judge (who may then choose to assign specific pretrial matters to an Article I Judge).

The Debtor-Defendant’s proposition that the Bankruptcy Judge will address all pre-trial matters and then the State Court Action will be assigned to a District Court Judge to conduct the trial (living with all that was done pre-trial by the Bankruptcy Judge) runs contrary to the provisions of 28 U.S.C. § 157(c). . . .

*Id.*; p. 15:12-16:9.

The court also considered that given the express statutory requirement that Personal Injury Claims be in the District Court and not within a bankruptcy court’s related matter jurisdiction, the Defendant-Debtor failed, to the extent that the removal was made to the bankruptcy court, to request that the District Court withdraw the reference and have the matter prosecuted in the court which Congress has expressly required.

This court did not find persuasive or any of merit the Defendant-Debtor’s argument that the State Court might enter a judgment larger than the Defendant-Debtor wanted and projected in confirming the Chapter 11 Plan, thus the State Court, entering a judgment on the merits could impede the Defendant-Debtor’s ability to perform the Confirmed Chapter 11 Plan. Rather, it was better to have a Federal Court made the determination, because the Federal Court would not enter an judgment in an amount that would impede Defendant-Debtors’ ability to perform the Confirmed Chapter 11 Plan.

The Debtor-Defendant presents the following argument/analysis in support of a contention that not litigating the State Court Complaint in the Bankruptcy Court would impede the efficient administration of the Confirmed Chapter 11 Plan:

Resolution of the state court claims in tandem with the completion of the Debtor’s Plan of Reorganization is the contemplated outcome of the cases being jointly administered through *In re Windsor*. For this Court to deny the Plaintiff’s motion for remand allows for the most efficient resolution of all the claims tied into the joint bankruptcy proceedings.

The only named defendant in the state court action is the debtor. Any judgment against Windsor El Camino Care Center will be submitted to the *In re Windsor* court, where it will be paid out at the percentage elected by the Plaintiff under the applicable

part of the plan of reorganization. **If the state court award were to be unexpectedly large, it could strain the financial backstop, leading to potential modifications to the plan or adjustments to how claims are paid.**

Opposition, p. 3:10-19; Dckt. 16 (emphasis added).

The Court's conclusion is the opposite of what the Debtor-Defendant argues with respect to this factor. As an initial matter, whether in State Court or Federal Court, the parties are entitled to a jury trial, which both the Debtor-Defendant (Debtor-Defendant's Jury Demand; Dckt. 8) and the Plaintiffs (Plaintiffs' State Court Complaint, Ex. A; Dckt. 14; and Plaintiffs; Statement Pursuant to Fed. Bankr. Rule 9027(e)(3) and 28 U.S.C. § 157(e), item (iv) p. 1; Dckt. 9) have demanded for this Adversary Proceeding. The Debtor-Defendant offers no indication how the Federal Court could somehow more quickly and efficiently conduct the litigation on the State Court Complaint. This is especially true in the Eastern District of California where the District Court Judges have some of the highest case loads in the Nation.

The Debtor-Defendant then makes what this Court concludes to be a fallacious assertion – that somehow a State Court trial would generate an inappropriately large judgment, and thereby cause the performance of the Chapter 11 Plan to be delayed or impaired. This first presumes that a State Court would not be entering a judgment based on the facts and law.

Second, this presumes that a Federal Court would consider that in light of the Chapter 11 Plan, the amount of the judgment would need to be “adjusted” or “tweaked” to a lower amount so as to enhance Debtor-Defendant's ability to perform the Chapter 11 Plan based on Debtor-Defendant's estimates of what it believed to be the amount of Plaintiffs' claims. This assertion is based on an apparent belief that Federal Courts do not enter judgments based on the fact and the law, but what would be a better result for one party (here the Debtor-Defendant) over the other (here the Plaintiffs).

Nothing credible has been presented by Debtor-Defendant that the Federal Court presents a better forum for the adjudication of this claim than the State Court. This factor weighs in favor of remand.

*Id.*; p. 18:1-19:25.

Finally, this court also concluded that Defendant-Debtor's removal of this State Court Action to this bankruptcy court was obvious forum shopping.

This Court concludes that this removal is part of a forum shopping effort by the Debtor-Defendant. As noted above, in starting its Argument why the Motion to Remand should be denied, the Debtor-Defendant postulates (repeating the plain language stated in the Opposition):

Resolution of the state court claims in tandem with the completion of the Debtor's Plan of Reorganization is the contemplated outcome of the cases being jointly administered through *In re Windsor*. For this Court to deny the Plaintiff's motion for remand allows for the most efficient resolution of all the claims tied into the joint bankruptcy proceedings.

The only named defendant in the state court action is the debtor. Any judgment against Windsor El Camino Care Center will be submitted to the *In re Windsor* court, where it will be paid out at the percentage elected by the Plaintiff under the applicable part of the plan of reorganization. **If the state court award were to be unexpectedly large, it could strain the financial backstop, leading to potential modifications to the plan or adjustments to how claims are paid.** For these reasons, this Court should deny the Plaintiff's Motion to Remand.

Opposition, p. 3:10-19; Dckt. 16 (emphasis added).

The Debtor-Defendant does not put forth any credible argument or evidence that bringing these State Law Claims to Federal Court would put them in the "most efficient" court for resolution of the State Law Claims. This Court reads the argument advanced to be that Debtor-Defendant seeks to litigate the State Court Complaint in Federal Court because the Federal Court Judge and jury are more likely to give Debtor-Defendant a judgment that Debtor-Defendant requests and likes, as oppose to a State Court Judge and jury. This assumption appears to presume that the Federal Court judges are "biased" in favor of a debtor in litigating related to matters so as not to "upset" a debtor's bankruptcy plan by entering a judgment for a creditor in an amount that is correct based on the facts and the law.

*Id.*; p. 22:18-23:12.

The evidence, law, and arguments presented clearly establish that Defendant-Debtor and its attorneys did not have any reasonable basis for removing this State Court Action to this Bankruptcy Court. Additionally, after the court issued its first Memorandum Opinion and Decision stating that such Personal Injury Claims must be tried, and removed to, the District Court, Defendant-Debtor took no action to promptly file a motion for the District Court judge to withdraw the reference had have the removed Personal Injury Claim properly in from of an Article III District Court judge.

### **Fees and Costs Requested**

For this Adversary Proceeding and the two others (24-2193 and 2190) in which Pfister & Saso, LLC is representing the Plaintiffs, \$21,885 is requested for filing the Motions to Remand. Thus, Pfister & Saso states that filing these Motions to Remand has caused there to be a total of \$65,665.00 in actual legal time reasonably spent for the three, all but identical motions.



Robert J. Pfister, Esq. provides his declaration of how these high fees were reasonable incurred. Because filing the motions to remand in the seven removed cases, the attorneys had to jump on it and get motions, declaration, and points and authorities drafted within 30 days.

Attached to the Declaration are billing exhibits (which the Local Bankruptcy Rules require to be filed separately from a motion, declaration, or points and authorities) to show the necessary work done. In the table below, the court compares the billing records in the three adversary proceedings before the court on May 29, 2025.

<i><b>Russell v. Windson El Camino Care Center, LLC et al</b></i> <b>24-2188</b> <b>Robert J. Pfister Dec. Exhibits A-E; Dckt. 38 and Exhibit F; Dckt. 40</b>	<b>Fees</b>	<i><b>Evans v. Windsor Vallejo Care Center, LLC</b></i> <b>24-2190</b> <b>Robert J. Pfister Dec. Dckt.</b>	<b>Fees</b>	<i><b>Knestrick v. Sindsor Oxford Holding Company, LLC et al</b></i> <b>24-2193</b> <b>Robert J. Pfister Dec. Dckt.</b>	<b>Fees</b>
<b>September 26, 2024</b> [RJP Biller] Removal Notice, Prelim Docket Investigation, Exchange Correspondence with J. Renneisen 0.5 Hrs	\$497.50	<b>September 26, 2024</b> [RJP Biller] Removal Notice, Prelim Docket Investigation, Exchange Correspondence with J. Renneisen 0.5 Hrs	\$487.50	<b>September 26, 2024</b> [RJP Biller] Removal Notice, Prelim Docket Investigation, Exchange Correspondence with J. Renneisen 0.5 Hrs	\$497.50
<b>September 27, 2024</b> [RJP Biller] Analyze Debtors' Removal, preliminary legal and factual research and next steps, exchange correspondence with Ad Ho Group 2.70 Hrs	\$2,686.50	<b>September 27, 2024</b> [RJP Biller] Analyze Debtors' Removal, preliminary legal and factual research and next steps, exchange correspondence with Ad Ho Group 2.70 Hrs	\$2,686.50	<b>September 27, 2024</b> [RJP Biller] Analyze Debtors' Removal, preliminary legal and factual research and next steps, exchange correspondence with Ad Ho Group 2.70 Hrs	\$2,686.50
<b>September 27, 2024</b> [PAS Biller] Analyze removal notices and prepare outline of evidence and argument for motions to remand 2.10 Hrs	\$2,089.50	<b>September 27, 2024</b> [PAS Biller] Analyze removal notices and prepare outline of evidence and argument for motions to remand 2.10 Hrs	\$2,089.50	<b>September 27, 2024</b> [PAS Biller] Analyze removal notices and prepare outline of evidence and argument for motions to remand 2.10 Hrs	\$2,089.50

<b>September 29, 2024</b> [PAS Biller] Legal research and analysis re removal, remand motions, and procedural matters. 1.80 Hrs	\$1,791.00	<b>September 29, 2024</b> [PAS Biller] Legal research and analysis re removal, remand motions, and procedural matters. 1.80 Hrs	\$1,791.00	<b>September 29, 2024</b> [PAS Biller] Legal research and analysis re removal, remand motions, and procedural matters. 1.80 Hrs	\$1,791.00
<b>September 29, 2024</b> [RJP Biller] Exchange correspondence with A. Collins re removal of Orrick and discussion of same. 0.10 Hrs	No Charge	<b>September 29, 2024</b> [RJP Biller] Exchange correspondence with A. Collins re removal of Orrick and discussion of same. 0.10 Hrs	No Charge	<b>September 29, 2024</b> [RJP Biller] Exchange correspondence with A. Collins re removal of Orrick and discussion of same. 0.10 Hrs	No Charge
<b>September 30, 2024</b> [PAS Biller] Legal research and analysis re removal, remand motions, and procedural; coordinate with R. Pfister 2.20 Hrs	\$2,189.00	<b>September 30, 2024</b> [PAS Biller] Legal research and analysis re removal, remand motions, and procedural; coordinate with R. Pfister 2.20 Hrs	\$2,189.00	<b>September 30, 2024</b> [PAS Biller] Legal research and analysis re removal, remand motions, and procedural; coordinate with R. Pfister 2.20 Hrs	\$2,189.00
<b>September 30, 2024</b> [PAS Biller] Conference call with A Collins, T. McLaughlin and R. Pfister re Orrick removal and remand motion. 1 Hrs	No Charge	<b>September 30, 2024</b> [PAS Biller] Conference call with A Collins, T. McLaughlin and R. Pfister re Orrick removal and remand motion. 1 Hrs	No Charge	<b>September 30, 2024</b> [PAS Biller] Conference call with A Collins, T. McLaughlin and R. Pfister re Orrick removal and remand motion. 1 Hrs	No Charge

<b>September 30, 2024</b> [RJP Biller] Conference call with A Collins, T. McLaughlin and R. Pfister re Orrick removal and remand motion. 1 Hrs	\$995.00	<b>September 30, 2024</b> [RJP Biller] Conference call with A Collins, T. McLaughlin and R. Pfister re Orrick removal and remand motion. 1 Hrs	\$995.00	<b>September 30, 2024</b> [RJP Biller] Conference call with A Collins, T. McLaughlin and R. Pfister re Orrick removal and remand motion. 1 Hrs	\$995.00
<b>September 30, 2024</b> [PAS Biller] Analyze material and prepare outline for Orrick Motion to Remand 1.90 Hrs	\$1,890.50	<b>September 30, 2024</b> [PAS Biller] Analyze material and prepare outline for Orrick Motion to Remand 1.90 Hrs	\$1,890.50	<b>September 30, 2024</b> [PAS Biller] Analyze material and prepare outline for Orrick Motion to Remand 1.90 Hrs	\$1,890.50
<b>October 1, 2024</b> [PAS Biller] Exchange correspondence with A. Collins and T. McLaughlin re Orrick remand motion 0.10 Hrs	No Charge	<b>October 1, 2024</b> [PAS Biller] Exchange correspondence with A. Collins and T. McLaughlin re Orrick remand motion 0.10 Hrs	No Charge	<b>October 1, 2024</b> [PAS Biller] Exchange correspondence with A. Collins and T. McLaughlin re Orrick remand motion 0.10 Hrs	No Charge
<b>October 1, 2024</b> [RJP Biller] Exchange correspondence with client group 0.20 Hrs	No Charge	<b>October 1, 2024</b> [RJP Biller] Exchange correspondence with client group 0.20 Hrs	No Charge	<b>October 1, 2024</b> [RJP Biller] Exchange correspondence with client group 0.20 Hrs	No Charge
<b>October 2, 2024</b> [PAS Biller] Research and draft Orrick motion to remand 3.50 Hrs	\$3,482.50	<b>October 2, 2024</b> [PAS Biller] Research and draft Orrick motion to remand 3.50 Hrs	\$3,482.50	<b>October 2, 2024</b> [PAS Biller] Research and draft Orrick motion to remand 3.50 Hrs	\$3,482.50

<b>October 3, 2024</b> [PAS Biller] Analyze local rules and individual practices for Judge Sargis re remand motions 0.20 Hrs	No Charge	<b>October 3, 2024</b> [PAS Biller] Analyze local rules and individual practices for Judge Sargis re remand motions 0.20 Hrs	No Charge	<b>October 3, 2024</b> [PAS Biller] Analyze local rules and individual practices for Judge Sargis re remand motions 0.20 Hrs	No Charge
<b>October 3, 2024</b> [PAS Biller] Prepare Orrick motion to remand and supporting declarations 2.90 Hrs	\$2,885.50	<b>October 3, 2024</b> [PAS Biller] Prepare Orrick motion to remand and supporting declarations 2.90 Hrs	\$2,885.50	<b>October 3, 2024</b> [PAS Biller] Prepare Orrick motion to remand and supporting declarations 2.90 Hrs	\$2,885.50
<b>October 3, 2024</b> [RJP Biller] Analyze removal papers and newly-opened dockets re cases removed from state court, exchange correspondence with counsel and coordinate with P. Saso re remand briefing 1.30 Hrs	\$1,295.50	<b>October 3, 2024</b> [RJP Biller] Analyze removal papers and newly-opened dockets re cases removed from state court, exchange correspondence with counsel and coordinate with P. Saso re remand briefing 1.30 Hrs	\$1,295.50	<b>October 3, 2024</b> [RJP Biller] Analyze removal papers and newly-opened dockets re cases removed from state court, exchange correspondence with counsel and coordinate with P. Saso re remand briefing 1.30 Hrs	\$1,295.50
<b>October 4, 2024</b> [PAS Biller] Review removed cases and prepare notes re strategy / timing for remand motions 0.40 Hrs	\$398.00	<b>October 4, 2024</b> [PAS Biller] Review removed cases and prepare notes re strategy / timing for remand motions 0.40 Hrs	\$398.00	<b>October 4, 2024</b> [PAS Biller] Review removed cases and prepare notes re strategy / timing for remand motions 0.40 Hrs	\$398.00

<b>October 8, 2024</b> [RJP Biller] Analyze materials re Orrick discovery in light of removal to bankruptcy court, exchange correspondence with T. McLaughlin re same and next steps 0.40 Hrs	\$995.00	<b>October 8, 2024</b> [RJP Biller] Analyze materials re Orrick discovery in light of removal to bankruptcy court, exchange correspondence with T. McLaughlin re same and next steps 0.40 Hrs	\$995.00	<b>October 8, 2024</b> [RJP Biller] Analyze materials re Orrick discovery in light of removal to bankruptcy court, exchange correspondence with T. McLaughlin re same and next steps 0.40 Hrs	\$995.00
<b>October 9, 2024</b> [PAS Biller] Legal and factual research and analysis re equitable remand under section 1452(b) 2.10 Hrs	No Charge	<b>October 9, 2024</b> [PAS Biller] Legal and factual research and analysis re equitable remand under section 1452(b) 2.10 Hrs	No Charge	<b>October 9, 2024</b> [PAS Biller] Legal and factual research and analysis re equitable remand under section 1452(b) 2.10 Hrs	No Charge
<b>October 9, 2024</b> [RJP Biller] Analyze scheduling order re Orrick; exchange correspondence with T. McLaughlin re discovery options in light of same 0.40 Hrs	\$398.00	<b>October 9, 2024</b> [RJP Biller] Analyze scheduling order re Orrick; exchange correspondence with T. McLaughlin re discovery options in light of same 0.40 Hrs	\$398.00	<b>October 9, 2024</b> [RJP Biller] Analyze scheduling order re Orrick; exchange correspondence with T. McLaughlin re discovery options in light of same 0.40 Hrs	\$398.00
<b>October 10, 2024</b> [PAS Biller] Review and revise Rule 9027 and LBR 9015-2 notices 0.20 Hrs	No Charge	<b>October 10, 2024</b> [PAS Biller] Review and revise Rule 9027 and LBR 9015-2 notices 0.20 Hrs	No Charge	<b>October 10, 2024</b> [PAS Biller] Review and revise Rule 9027 and LBR 9015-2 notices 0.20 Hrs	No Charge
<b>October 10, 2024</b> [PAS Biller] Prepare Orrick motion to remand 1.80 Hrs	\$1,791.00	<b>October 10, 2024</b> [PAS Biller] Prepare Orrick motion to remand 1.80 Hrs	\$1,791.00	<b>October 10, 2024</b> [PAS Biller] Prepare Orrick motion to remand 1.80 Hrs	\$1,791.00

<b>October 10, 2024</b> [RJP Biller] Draft, revise, finalize, and file Rule 9027 and LBR 9015-2 statements in Wicker, Floyd-Carter, Evans, Orrick, and Russell-Washington (2.2); analyze discharge order and review implications re removal timing (0.2); follow-up correspondence re discovery and next steps in Orrick (0.1) 2.50 Hrs	\$2,487.50	<b>October 10, 2024</b> [RJP Biller] Draft, revise, finalize, and file Rule 9027 and LBR 9015-2 statements in Wicker, Floyd-Carter, Evans, Orrick, and Russell-Washington (2.2); analyze discharge order and review implications re removal timing (0.2); follow-up correspondence re discovery and next steps in Orrick (0.1) 2.50 Hrs	\$2,487.50	<b>October 10, 2024</b> [RJP Biller] Draft, revise, finalize, and file Rule 9027 and LBR 9015-2 statements in Wicker, Floyd-Carter, Evans, Orrick, and Russell-Washington (2.2); analyze discharge order and review implications re removal timing (0.2); follow-up correspondence re discovery and next steps in Orrick (0.1) 2.50 Hrs	\$2,487.50
<b>October 11, 2024</b> [PAS Biller] Continued factual and legal analysis re equitable remand 2.00 Hrs	No Charge	<b>October 11, 2024</b> [PAS Biller] Continued factual and legal analysis re equitable remand 2.00 Hrs	No Charge	<b>October 11, 2024</b> [PAS Biller] Continued factual and legal analysis re equitable remand 2.00 Hrs	No Charge
<b>October 11, 2024</b> [PAS Biller] Prepare Orrick remand motion and supporting materials 1.40 Hrs	\$1,393.00	<b>October 11, 2024</b> [PAS Biller] Prepare Orrick remand motion and supporting materials 1.40 Hrs	\$1,393.00	<b>October 11, 2024</b> [PAS Biller] Prepare Orrick remand motion and supporting materials 1.40 Hrs	\$1,393.00
<b>October 11, 2024</b> [RJP Biller] Follow-up correspondence re Orrick and filed Rule 9027 and LBR 9015-2 statements 0.02 Hrs	No Charge	<b>October 11, 2024</b> [RJP Biller] Follow-up correspondence re Orrick and filed Rule 9027 and LBR 9015-2 statements 0.02 Hrs	No Charge	<b>October 11, 2024</b> [RJP Biller] Follow-up correspondence re Orrick and filed Rule 9027 and LBR 9015-2 statements 0.02 Hrs	No Charge

<b>October 14, 2024</b> [RJP Biller] Analyze additional removal notices; exchange correspondence re same and re remand timing 0.30 Hrs	\$298.50	<b>October 14, 2024</b> [RJP Biller] Analyze additional removal notices; exchange correspondence re same and re remand timing 0.30 Hrs	\$298.50	<b>October 14, 2024</b> [RJP Biller] Analyze additional removal notices; exchange correspondence re same and re remand timing 0.30 Hrs	\$298.50
<b>October 14, 2024</b> [PAS Biller] Prepare Orrick motion to remand and supporting papers 5.30 Hrs	\$5,273.50	<b>October 14, 2024</b> [PAS Biller] Prepare Orrick motion to remand and supporting papers 5.30 Hrs	\$5,273.50	<b>October 14, 2024</b> [PAS Biller] Prepare Orrick motion to remand and supporting papers 5.30 Hrs	\$5,273.50
<b>October 16, 2024</b> [PAS Biller] Review and revise declarations in support of Orrick remand motion. 0.40 Hrs	\$398.00	<b>October 16, 2024</b> [PAS Biller] Review and revise declarations in support of Orrick remand motion. 0.40 Hrs	\$398.00	<b>October 16, 2024</b> [PAS Biller] Review and revise declarations in support of Orrick remand motion. 0.40 Hrs	\$398.00
<b>October 17, 2024</b> [RJP Biller] Revise, finalize and file Orrick remand motion and supporting papers (3.2); prepare and file Rule 9027 and LBR 9015-2 notices in Portis and Knestrict (0.7); analyze removed dockets and prepare notes re timing (0.4)	\$4,278.50	<b>October 17, 2024</b> [RJP Biller] Revise, finalize and file Orrick remand motion and supporting papers (3.2); prepare and file Rule 9027 and LBR 9015-2 notices in Portis and Knestrict (0.7); analyze removed dockets and prepare notes re timing (0.4)	\$4,278.50	<b>October 17, 2024</b> [RJP Biller] Revise, finalize and file Orrick remand motion and supporting papers (3.2); prepare and file Rule 9027 and LBR 9015-2 notices in Portis and Knestrict (0.7); analyze removed dockets and prepare notes re timing (0.4)	\$4,278.50

<b>October 17, 2024</b> [PAS Biller] Revise and finalize Orrick remand motion and supporting papers 1.60 Hrs	\$1,592.00	<b>October 17, 2024</b> [PAS Biller] Revise and finalize Orrick remand motion and supporting papers 1.60 Hrs	\$1,592.00	<b>October 17, 2024</b> [PAS Biller] Revise and finalize Orrick remand motion and supporting papers 1.60 Hrs	\$1,592.00
<b>October 18, 2024</b> [PAS Biller] Analyze strategy of timing and sequencing of remand motions and coordinate with R. Pfister re same (0.4); review PHV requirements re E.D. Cal. (0.2) 0.60 Hrs	No Charge	<b>October 18, 2024</b> [PAS Biller] Analyze strategy of timing and sequencing of remand motions and coordinate with R. Pfister re same (0.4); review PHV requirements re E.D. Cal. (0.2) 0.60 Hrs	No Charge	<b>October 18, 2024</b> [PAS Biller] Analyze strategy of timing and sequencing of remand motions and coordinate with R. Pfister re same (0.4); review PHV requirements re E.D. Cal. (0.2) 0.60 Hrs	No Charge
<b>October 18, 2024</b> [RJP Biller] Prepare detailed client update re removals, remand motions, and next steps in connection with abstention; exchange follow-up correspondence re same; coordinate with P. Saso re remand motions in remaining removed cases 1.00 Hrs	\$995.00	<b>October 18, 2024</b> [RJP Biller] Prepare detailed client update re removals, remand motions, and next steps in connection with abstention; exchange follow-up correspondence re same; coordinate with P. Saso re remand motions in remaining removed cases 1.00 Hrs	\$995.00	<b>October 18, 2024</b> [RJP Biller] Prepare detailed client update re removals, remand motions, and next steps in connection with abstention; exchange follow-up correspondence re same; coordinate with P. Saso re remand motions in remaining removed cases 1.00 Hrs	\$995.00
<b>October 21, 2024</b> [PAS Biller] Exchange correspondence with client group re fact gathering for motions to remand; follow-up re same 0.70 Hrs	\$696.50	<b>October 21, 2024</b> [PAS Biller] Exchange correspondence with client group re fact gathering for motions to remand; follow-up re same 0.70 Hrs	\$696.50	<b>October 21, 2024</b> [PAS Biller] Exchange correspondence with client group re fact gathering for motions to remand; follow-up re same 0.70 Hrs	\$696.50



<b>October 22, 2024</b> [RJP Biller] Analyze removed cases and prepare outline re remand / abstention issues; exchange correspondence re same 0.80 Hrs	\$796.00	<b>October 22, 2024</b> [RJP Biller] Analyze removed cases and prepare outline re remand / abstention issues; exchange correspondence re same 0.80 Hrs	\$796.00	<b>October 22, 2024</b> [RJP Biller] Analyze removed cases and prepare outline re remand / abstention issues; exchange correspondence re same 0.80 Hrs	\$796.00
<b>October 22, 2024</b> [PAS Biller] Prepare PHV motion in E.D. Cal. 0.20 Hrs	No Charge	<b>October 22, 2024</b> [PAS Biller] Prepare PHV motion in E.D. Cal. 0.20 Hrs	No Charge	<b>October 22, 2024</b> [PAS Biller] Prepare PHV motion in E.D. Cal. 0.20 Hrs	No Charge
<b>October 23, 2024</b> [RJP Biller] Review client correspondence re remand motions; coordinate with P. Saso re briefing 0.30 Hrs	No Charge	<b>October 23, 2024</b> [RJP Biller] Review client correspondence re remand motions; coordinate with P. Saso re briefing 0.30 Hrs	No Charge	<b>October 23, 2024</b> [RJP Biller] Review client correspondence re remand motions; coordinate with P. Saso re briefing 0.30 Hrs	No Charge
<b>October 23, 2024</b> [PAS Biller] Prepare remand motions and supporting papers in E.D. Cal. cases (Evans, Russell-Washington) 2.40 Hrs	\$2,388.00	<b>October 23, 2024</b> [PAS Biller] Prepare remand motions and supporting papers in E.D. Cal. cases (Evans, Russell-Washington) 2.40 Hrs	\$2,388.00	<b>October 23, 2024</b> [PAS Biller] Prepare remand motions and supporting papers in E.D. Cal. cases (Evans, Russell-Washington) 2.40 Hrs	\$2,388.00
<b>October 23, 2024</b> [PAS Biller] Exchange correspondence re remand motions; coordinate with R. Pfister re same 0.03 Hrs	No Charge	<b>October 23, 2024</b> [PAS Biller] Exchange correspondence re remand motions; coordinate with R. Pfister re same 0.03 Hrs	No Charge	<b>October 23, 2024</b> [PAS Biller] Exchange correspondence re remand motions; coordinate with R. Pfister re same 0.03 Hrs	No Charge

<b>October 24, 2024</b> [RJP Biller] Review and revise interim drafts of remand motions, including further research re same 1.50 Hrs	\$1,492.50	<b>October 24, 2024</b> [RJP Biller] Review and revise interim drafts of remand motions, including further research re same 1.50 Hrs	\$1,492.50	<b>October 24, 2024</b> [RJP Biller] Review and revise interim drafts of remand motions, including further research re same 1.50 Hrs	\$1,492.50
<b>October 24, 2024</b> [RJP Biller] Confer with P. Saso re revisions to remand motions and re motion to dismiss appeal 0.80 Hrs	No Charge	<b>October 24, 2024</b> [RJP Biller] Confer with P. Saso re revisions to remand motions and re motion to dismiss appeal 0.80 Hrs	No Charge	<b>October 24, 2024</b> [RJP Biller] Confer with P. Saso re revisions to remand motions and re motion to dismiss appeal 0.80 Hrs	No Charge
<b>October 23, 2024</b> [PAS Biller] Prepare and revise Evans and Wicker remand motions and supporting papers 2.30 Hrs	\$2,288.50	<b>October 23, 2024</b> [PAS Biller] Prepare and revise Evans and Wicker remand motions and supporting papers 2.30 Hrs	\$2,288.50	<b>October 23, 2024</b> [PAS Biller] Prepare and revise Evans and Wicker remand motions and supporting papers 2.30 Hrs	\$2,288.50
<b>October 25, 2024</b> [RJP Biller] Revise, finalize, and file remand motions and supporting papers in C.D. Cal. removed cases (Wicker, Carter-Floyd); revise and finalize remand motions and supporting papers in E.D. Cal. removed cases (Evans, Russell-Washington) 6.80 Hrs	\$6,766.00	<b>October 25, 2024</b> [RJP Biller] Revise, finalize, and file remand motions and supporting papers in C.D. Cal. removed cases (Wicker, Carter-Floyd); revise and finalize remand motions and supporting papers in E.D. Cal. removed cases (Evans, Russell-Washington) 6.80 Hrs	\$6,766.00	<b>October 25, 2024</b> [RJP Biller] Revise, finalize, and file remand motions and supporting papers in C.D. Cal. removed cases (Wicker, Carter-Floyd); revise and finalize remand motions and supporting papers in E.D. Cal. removed cases (Evans, Russell-Washington) 6.80 Hrs	\$6,766.00

<b>October 25, 2024</b> [RJP Biller] Review defense filings in removed cases (supplements to dockets, notices of status conferences); review pertinent rules re same 0.30	No Charge	<b>October 25, 2024</b> [RJP Biller] Review defense filings in removed cases (supplements to dockets, notices of status conferences); review pertinent rules re same 0.30	No Charge	<b>October 25, 2024</b> [RJP Biller] Review defense filings in removed cases (supplements to dockets, notices of status conferences); review pertinent rules re same 0.30	No Charge
<b>October 25, 2024</b> [PAS Biller] Revise and finalize remand papers in Wicker, Carter-Floyd, Evans, and Russell-Washington 5.20 Hrs	\$5,174.00	<b>October 25, 2024</b> [PAS Biller] Revise and finalize remand papers in Wicker, Carter-Floyd, Evans, and Russell-Washington 5.20 Hrs	\$5,174.00	<b>October 25, 2024</b> [PAS Biller] Revise and finalize remand papers in Wicker, Carter-Floyd, Evans, and Russell-Washington 5.20 Hrs	\$5,174.00
<b>October 26, 2024</b> [RJP Biller] Finalize and file remand motions in Evans and Russell-Washington 1.00 Hrs	\$995.00	<b>October 26, 2024</b> [RJP Biller] Finalize and file remand motions in Evans and Russell-Washington 1.00 Hrs	\$995.00	<b>October 26, 2024</b> [RJP Biller] Finalize and file remand motions in Evans and Russell-Washington 1.00 Hrs	\$995.00
<b>October 28, 2024</b> [PAS Biller] Prepare Portis motion to remand 1.10 Hrs	\$1,094.50	<b>October 28, 2024</b> [PAS Biller] Prepare Portis motion to remand 1.10 Hrs	\$1,094.50	<b>October 28, 2024</b> [PAS Biller] Prepare Portis motion to remand 1.10 Hrs	\$1,094.50
<b>October 28, 2024</b> [RJP Biller] Prepare and file Orrick remand motion supplement (Debtors' motion to dismiss) 1.50 Hrs	\$497.50	<b>October 28, 2024</b> [RJP Biller] Prepare and file Orrick remand motion supplement (Debtors' motion to dismiss) 1.50 Hrs	\$497.50	<b>October 28, 2024</b> [RJP Biller] Prepare and file Orrick remand motion supplement (Debtors' motion to dismiss) 1.50 Hrs	\$497.50

<b>October 29, 2024</b> [PAS Biller] Prepare and revise motions to remand in Portis and Knestrict 1.50 Hrs	\$1,492.50	<b>October 29, 2024</b> [PAS Biller] Prepare and revise motions to remand in Portis and Knestrict 1.50 Hrs	\$1,492.50	<b>October 29, 2024</b> [PAS Biller] Prepare and revise motions to remand in Portis and Knestrict 1.50 Hrs	\$1,492.50
<b>October 30, 2024</b> [PAS Biller] Confer and correspond with state court counsel and R. Pfister re status conferences in removed matters 0.20 Hrs	No Charge	<b>October 30, 2024</b> [PAS Biller] Confer and correspond with state court counsel and R. Pfister re status conferences in removed matters 0.20 Hrs	No Charge	<b>October 30, 2024</b> [PAS Biller] Confer and correspond with state court counsel and R. Pfister re status conferences in removed matters 0.20 Hrs	No Charge
<b>October 30, 2024</b> [PAS Biller] Analyze status conference orders entered by Judge Kaufman in removed matters and prepare for meet-and-confer negotiations with defense counsel re same (0.6); revise and finalize Knestrict remand papers (1.0) 1.60 Hrs	\$1,592.00	<b>October 30, 2024</b> [PAS Biller] Analyze status conference orders entered by Judge Kaufman in removed matters and prepare for meet-and-confer negotiations with defense counsel re same (0.6); revise and finalize Knestrict remand papers (1.0) 1.60 Hrs	\$1,592.00	<b>October 30, 2024</b> [PAS Biller] Analyze status conference orders entered by Judge Kaufman in removed matters and prepare for meet-and-confer negotiations with defense counsel re same (0.6); revise and finalize Knestrict remand papers (1.0) 1.60 Hrs	\$1,592.00
<b>November 2, 2024</b> [RJP Biller] Revise, finalize, and file Portis (C.D. Cal.) remand motion and supporting papers 1.30 Hrs	\$1,293.50	<b>November 2, 2024</b> [RJP Biller] Revise, finalize, and file Portis (C.D. Cal.) remand motion and supporting papers 1.30 Hrs	\$1,293.50	<b>November 2, 2024</b> [RJP Biller] Revise, finalize, and file Portis (C.D. Cal.) remand motion and supporting papers 1.30 Hrs	\$1,293.50

<b>November 2, 2024</b> [RJP Biller] Review status conference continuance and PHV papers; Coordinate with P. Saso re same 0.20 Hrs	No Charge	<b>November 2, 2024</b> [RJP Biller] Review status conference continuance and PHV papers; Coordinate with P. Saso re same 0.20 Hrs	No Charge	<b>November 2, 2024</b> [RJP Biller] Review status conference continuance and PHV papers; Coordinate with P. Saso re same 0.20 Hrs	No Charge
<b>November 3, 2024</b> [PAS Biller] Coordinate with R. Pfister re remand motions and next steps 0.10 Hrs	No Charge	<b>November 3, 2024</b> [PAS Biller] Coordinate with R. Pfister re remand motions and next steps 0.10 Hrs	No Charge	<b>November 3, 2024</b> [PAS Biller] Coordinate with R. Pfister re remand motions and next steps 0.10 Hrs	No Charge
<b>November 3, 2024</b> [RJP Biller] Exchange correspondence re remand motions 0.10 Hrs	No Charge	<b>November 3, 2024</b> [RJP Biller] Exchange correspondence re remand motions 0.10 Hrs	No Charge	<b>November 3, 2024</b> [RJP Biller] Exchange correspondence re remand motions 0.10 Hrs	No Charge
<b>November 4, 2024</b> [PAS Biller] Confer and correspond with R. Pfister re remand motions, status conferences, and timing; Attention to PHV matters 0.50 Hrs	No Charge	<b>November 4, 2024</b> [PAS Biller] Confer and correspond with R. Pfister re remand motions, status conferences, and timing; Attention to PHV matters 0.50 Hrs	No Charge	<b>November 4, 2024</b> [PAS Biller] Confer and correspond with R. Pfister re remand motions, status conferences, and timing; Attention to PHV matters 0.50 Hrs	No Charge
<b>November 4, 2024</b> [RJP Biller] Coordinate service of remand motions and review as-docketed versions of same; Exchange correspondence with P. Saso 1 Hrs	No Charge	<b>November 4, 2024</b> [RJP Biller] Coordinate service of remand motions and review as-docketed versions of same; Exchange correspondence with P. Saso 1 Hrs	No Charge	<b>November 4, 2024</b> [RJP Biller] Coordinate service of remand motions and review as-docketed versions of same; Exchange correspondence with P. Saso 1 Hrs	No Charge

<b>November 19, 2024</b> [RJP Biller] Analyze transcript of Orrick remand hearing and prepare notes for forthcoming E.D. Cal. remand replies (Russell, Evans, Knestrict) 0.70 Hrs	\$696.50	<b>November 19, 2024</b> [RJP Biller] Analyze transcript of Orrick remand hearing and prepare notes for forthcoming E.D. Cal. remand replies (Russell, Evans, Knestrict) 0.70 Hrs	\$696.50	<b>November 19, 2024</b> [RJP Biller] Analyze transcript of Orrick remand hearing and prepare notes for forthcoming E.D. Cal. remand replies (Russell, Evans, Knestrict) 0.70 Hrs	\$696.50
<b>November 21, 2024</b> [RJP Biller] Preliminary review of Evans and Russell opposition papers 0.40 Hrs	\$398.00	<b>November 21, 2024</b> [RJP Biller] Preliminary review of Evans and Russell opposition papers 0.40 Hrs	\$398.00	<b>November 21, 2024</b> [RJP Biller] Preliminary review of Evans and Russell opposition papers 0.40 Hrs	\$398.00
<b>November 21, 2024</b> [PAS Biller] Analyze opposition papers re Russell and Evans remand motions; Prepare notes re reply points and research issues re same 2.20 Hrs	\$2,189.00	<b>November 21, 2024</b> [PAS Biller] Analyze opposition papers re Russell and Evans remand motions; Prepare notes re reply points and research issues re same 2.20 Hrs	\$2,189.00	<b>November 21, 2024</b> [PAS Biller] Analyze opposition papers re Russell and Evans remand motions; Prepare notes re reply points and research issues re same 2.20 Hrs	\$2,189.00
<b>November 22, 2024</b> [PAS Biller] Video conference with R. Pfister re upcoming remand motion replies, hearings, and timing 0.80 Hrs	No Charge	<b>November 22, 2024</b> [PAS Biller] Video conference with R. Pfister re upcoming remand motion replies, hearings, and timing 0.80 Hrs	No Charge	<b>November 22, 2024</b> [PAS Biller] Video conference with R. Pfister re upcoming remand motion replies, hearings, and timing 0.80 Hrs	No Charge

<b>November 22, 2024</b> [RJP Biller] Video conference with P. Saso re motions to remand and abstention issues 0.80 Hrs	\$796.00	<b>November 22, 2024</b> [RJP Biller] Video conference with P. Saso re motions to remand and abstention issues 0.80 Hrs	\$796.00	<b>November 22, 2024</b> [RJP Biller] Video conference with P. Saso re motions to remand and abstention issues 0.80 Hrs	\$796.00
<b>November 22, 2024</b> [RJP Biller] Analyze Evans, Russell, and Knestrict opposition papers; Prepare client correspondence re same; outline reply points 1.50 Hrs	\$1,492.50	<b>November 22, 2024</b> [RJP Biller] Analyze Evans, Russell, and Knestrict opposition papers; Prepare client correspondence re same; outline reply points 1.50 Hrs	\$1,492.50	<b>November 22, 2024</b> [RJP Biller] Analyze Evans, Russell, and Knestrict opposition papers; Prepare client correspondence re same; outline reply points 1.50 Hrs	\$1,492.50
<b>November 23, 2024</b> [PAS Biller] Analyze Knestrict opposition papers; prepare notes and research issues re reply brief 0.90 Hrs	\$895.50	<b>November 23, 2024</b> [PAS Biller] Analyze Knestrict opposition papers; prepare notes and research issues re reply brief 0.90 Hrs	\$895.50	<b>November 23, 2024</b> [PAS Biller] Analyze Knestrict opposition papers; prepare notes and research issues re reply brief 0.90 Hrs	\$895.50
<b>November 25, 2024</b> [PAS Biller] Prepare portions of Evans, Russell, and Knestrict replies addressing Orrick ruling and implications thereof (3.2); follow-up research and analysis re abstention factors (0.7); analyze Holben (non-AHG) remand briefing (0.2) 4.10 Hrs	\$4,079.50	<b>November 25, 2024</b> [PAS Biller] Prepare portions of Evans, Russell, and Knestrict replies addressing Orrick ruling and implications thereof (3.2); follow-up research and analysis re abstention factors (0.7); analyze Holben (non-AHG) remand briefing (0.2) 4.10 Hrs	\$4,079.50	<b>November 25, 2024</b> [PAS Biller] Prepare portions of Evans, Russell, and Knestrict replies addressing Orrick ruling and implications thereof (3.2); follow-up research and analysis re abstention factors (0.7); analyze Holben (non-AHG) remand briefing (0.2) 4.10 Hrs	\$4,079.50

<b>November 26, 2024</b> [PAS Biller] Coordinate with R. Pfister re Evans, Russell, and Knestrict replies 0.40 Hrs	No Charge	<b>November 26, 2024</b> [PAS Biller] Coordinate with R. Pfister re Evans, Russell, and Knestrict replies 0.40 Hrs	No Charge	<b>November 26, 2024</b> [PAS Biller] Coordinate with R. Pfister re Evans, Russell, and Knestrict replies 0.40 Hrs	No Charge
<b>November 26, 2024</b> [RJP Biller] Prepare Evans, Russell, and Knestrict reply briefs 8.50 Hrs	\$8,457.50	<b>November 26, 2024</b> [RJP Biller] Prepare Evans, Russell, and Knestrict reply briefs 8.50 Hrs	\$8,457.50	<b>November 26, 2024</b> [RJP Biller] Prepare Evans, Russell, and Knestrict reply briefs 8.50 Hrs	\$8,457.50
<b>November 27, 2024</b> [PAS Biller] Revise Evans, Knestrict, and Russell remand reply papers, including follow-up research points 2.40 Hrs	\$2,388.00	<b>November 27, 2024</b> [PAS Biller] Revise Evans, Knestrict, and Russell remand reply papers, including follow-up research points 2.40 Hrs	\$2,388.00	<b>November 27, 2024</b> [PAS Biller] Revise Evans, Knestrict, and Russell remand reply papers, including follow-up research points 2.40 Hrs	\$2,388.00
<b>November 27, 2024</b> [RJP Biller] Revise and finalize Evans, Russell, and Knestrict reply briefs 6.50 Hrs	\$6,467.50	<b>November 27, 2024</b> [RJP Biller] Revise and finalize Evans, Russell, and Knestrict reply briefs 6.50 Hrs	\$6,467.50	<b>November 27, 2024</b> [RJP Biller] Revise and finalize Evans, Russell, and Knestrict reply briefs 6.50 Hrs	\$6,467.50
<b>November 28, 2024</b> [PAS Biller] Finalize E.D. Cal. reply papers, with R. Pfister 1.00 Hrs	No Charge	<b>November 28, 2024</b> [PAS Biller] Finalize E.D. Cal. reply papers, with R. Pfister 1.00 Hrs	No Charge	<b>November 28, 2024</b> [PAS Biller] Finalize E.D. Cal. reply papers, with R. Pfister 1.00 Hrs	No Charge
<b>November 28, 2024</b> [RJP Biller] Finalize and file E.D. Cal. reply briefs 1.50 Hrs	\$1,492.50	<b>November 28, 2024</b> [RJP Biller] Finalize and file E.D. Cal. reply briefs 1.50 Hrs	\$1,492.50	<b>November 28, 2024</b> [RJP Biller] Finalize and file E.D. Cal. reply briefs 1.50 Hrs	\$1,492.50



<b>December 2, 2024</b> [RJP Biller] Coordinate with E.D. Cal. Clerk re remand reply papers in Russell, Evans, and Knestrict; Review final, as-docketed papers; prepare and file errata 0.80 Hrs	No Charge	<b>December 2, 2024</b> [RJP Biller] Coordinate with E.D. Cal. Clerk re remand reply papers in Russell, Evans, and Knestrict; Review final, as-docketed papers; prepare and file errata 0.80 Hrs	No Charge	<b>December 2, 2024</b> [RJP Biller] Coordinate with E.D. Cal. Clerk re remand reply papers in Russell, Evans, and Knestrict; Review final, as-docketed papers; prepare and file errata 0.80 Hrs	No Charge
<b>December 4, 2024</b> [PAS Biller] Analyze tentative rulings on Evans, Knestrict, and Russell-Washington remand motions; Exchange correspondence with R. Pfister re hearing preparation and strategy 0.50 Hrs	\$497.50	<b>December 4, 2024</b> [PAS Biller] Analyze tentative rulings on Evans, Knestrict, and Russell-Washington remand motions; Exchange correspondence with R. Pfister re hearing preparation and strategy 0.50 Hrs	\$497.50	<b>December 4, 2024</b> [PAS Biller] Analyze tentative rulings on Evans, Knestrict, and Russell-Washington remand motions; Exchange correspondence with R. Pfister re hearing preparation and strategy 0.50 Hrs	\$497.50
<b>December 4, 2024</b> [RJP Biller] Analyze tentative rulings granting remand motions in Russell, Evans, and Knestrict; Prepare client update re same and prepare for December 5 hearing 1.50 Hrs	\$1,492.50	<b>December 4, 2024</b> [RJP Biller] Analyze tentative rulings granting remand motions in Russell, Evans, and Knestrict; Prepare client update re same and prepare for December 5 hearing 1.50 Hrs	\$1,492.50	<b>December 4, 2024</b> [RJP Biller] Analyze tentative rulings granting remand motions in Russell, Evans, and Knestrict; Prepare client update re same and prepare for December 5 hearing 1.50 Hrs	\$1,492.50

<b>December 5, 2024</b> [RJP Biller] Appear and argue at hearing on remand motions in Russell, Evans, and Knestrict, including final preparations and follow-up re same; prepare client update re same 1.20 Hrs	\$1,194.00	<b>December 5, 2024</b> [RJP Biller] Appear and argue at hearing on remand motions in Russell, Evans, and Knestrict, including final preparations and follow-up re same; prepare client update re same 1.20 Hrs	\$1,194.00	<b>December 5, 2024</b> [RJP Biller] Appear and argue at hearing on remand motions in Russell, Evans, and Knestrict, including final preparations and follow-up re same; prepare client update re same 1.20 Hrs	\$1,194.00
<b>December 9, 2024</b> [PAS Biller] Review transcripts of E.D. Cal. remand hearings; Exchange correspondence with R. Pfister re same 0.20 Hrs	No Charge	<b>December 9, 2024</b> [PAS Biller] Review transcripts of E.D. Cal. remand hearings; Exchange correspondence with R. Pfister re same 0.20 Hrs	No Charge	<b>December 9, 2024</b> [PAS Biller] Review transcripts of E.D. Cal. remand hearings; Exchange correspondence with R. Pfister re same 0.20 Hrs	No Charge
<b>December 11, 2024</b> [RJP Biller] Exchange correspondence re Orrick post-remand matters and E.D. Cal. orders / civil minutes 0.30 Hrs	No Charge	<b>December 11, 2024</b> [RJP Biller] Exchange correspondence re Orrick post-remand matters and E.D. Cal. orders / civil minutes 0.30 Hrs	No Charge	<b>December 11, 2024</b> [RJP Biller] Exchange correspondence re Orrick post-remand matters and E.D. Cal. orders / civil minutes 0.30 Hrs	No Charge
<b>December 12, 2024</b> [PAS Biller] Telephone conference with Judge Sargis's deputy re civil minutes and orders in Russell, Evans, and Knestrict; exchange correspondence with R. Pfister re same and next steps 0.20 Hrs	\$199.00	<b>December 12, 2024</b> [PAS Biller] Telephone conference with Judge Sargis's deputy re civil minutes and orders in Russell, Evans, and Knestrict; exchange correspondence with R. Pfister re same and next steps 0.20 Hrs	\$199.00	<b>December 12, 2024</b> [PAS Biller] Telephone conference with Judge Sargis's deputy re civil minutes and orders in Russell, Evans, and Knestrict; exchange correspondence with R. Pfister re same and next steps 0.20 Hrs	\$199.00

<b>December 12, 2024</b> [RJP Biller] Coordinate with P. Saso re inquiry to Judge Sargis's courtroom deputy re Russell-Washington, Evans, and Knestrict civil minutes and orders 0.20 Hrs	No Charge	<b>December 12, 2024</b> [RJP Biller] Coordinate with P. Saso re inquiry to Judge Sargis's courtroom deputy re Russell-Washington, Evans, and Knestrict civil minutes and orders 0.20 Hrs	No Charge	<b>December 12, 2024</b> [RJP Biller] Coordinate with P. Saso re inquiry to Judge Sargis's courtroom deputy re Russell-Washington, Evans, and Knestrict civil minutes and orders 0.20 Hrs	No Charge
<b>January 17, 2025</b> [RJP Biller] Confer with P. Saso re status of civil minutes / remand orders in Evans, Knestrict, and Russell 0.10 Hrs	No Charge	<b>January 17, 2025</b> [RJP Biller] Confer with P. Saso re status of civil minutes / remand orders in Evans, Knestrict, and Russell 0.10 Hrs	No Charge	<b>January 17, 2025</b> [RJP Biller] Confer with P. Saso re status of civil minutes / remand orders in Evans, Knestrict, and Russell 0.10 Hrs	No Charge
<b>January 21, 2025</b> [RJP Biller] Review continuance orders in Russell, Evans, and Knestrict; Exchange correspondence with P. Saso re same 0.10 Hrs	No Charge	<b>January 21, 2025</b> [RJP Biller] Review continuance orders in Russell, Evans, and Knestrict; Exchange correspondence with P. Saso re same 0.10 Hrs	No Charge	<b>January 21, 2025</b> [RJP Biller] Review continuance orders in Russell, Evans, and Knestrict; Exchange correspondence with P. Saso re same 0.10 Hrs	No Charge
<b>January 29, 2025</b> [RJP Biller] Review civil minutes re Russell, Evans, and Knestrict continuances; Exchange correspondence with P. Saso re notice of subsequent developments / authority 0.20 Hrs	\$199.00	<b>January 29, 2025</b> [RJP Biller] Review civil minutes re Russell, Evans, and Knestrict continuances; Exchange correspondence with P. Saso re notice of subsequent developments / authority 0.20 Hrs	\$199.00	<b>January 29, 2025</b> [RJP Biller] Review civil minutes re Russell, Evans, and Knestrict continuances; Exchange correspondence with P. Saso re notice of subsequent developments / authority 0.20 Hrs	\$199.00

<b>January 29, 2025</b> [RJP Biller] Prepare and file notice of subsequent developments / authority in Russell, Evans, and Knestrick 1.00 Hrs	\$995.00	<b>January 29, 2025</b> [RJP Biller] Prepare and file notice of subsequent developments / authority in Russell, Evans, and Knestrick 1.00 Hrs	\$995.00	<b>January 29, 2025</b> [RJP Biller] Prepare and file notice of subsequent developments / authority in Russell, Evans, and Knestrick 1.00 Hrs	\$995.00
Total Fees From Billing Records	\$100,596.50		\$100,586.50		\$100,596.50

The court finds it not credible or believable that the billing records for the reasonable fees and costs in having to bring the Motions to Remind in the three Adversary Proceeds total \$100,596.50. These are unreliable billing records.

In the *Russell* Adversary Proceeding, the following Motion to Remand Pleadings were filed by Plaintiff:

- A. Motion to Remand, three (3) pages in length. 24-2188; Dckt. 11. The Motions to Remand in these three adversary proceedings are identical (other than the names of the plaintiffs).
- B. Memorandum of Points and Authorities, ten (10) pages in length. *Id.*; Dckt. 13. The Points and Authorities in these three adversary proceedings are identical (other than the names of the plaintiffs).
- C. Declaration of Justin Ward, three (3) pages in length, with a copy of the State Court Complaint attached. *Id.*; Dckt. 14. These three Declarations by the State Court Counsel are substantially identical.
- D. Declaration of Robert Pfister, seven (7) pages in length with 96 pages of exhibits attached. *Id.*; Dckt. 15. The seven (7) pages of declaration are identical and the 96 pages of exhibits appear to be identical.
- E. Reply Brief, nine (9) pages in length. *Id.*; Dckt. 17.

In the *Evans* Adversary Proceeding, the following Motion to Remand Pleadings were filed by Plaintiff:

- a. Motion to Remand, three (3) pages in length. 24-2193; Dckt. 13. The Motions to Remand in these three adversary proceedings are identical (other than the names of the plaintiffs).

- b. Memorandum of Points and Authorities, ten (10) pages in length. *Id.*; Dckt. 18. The Points and Authorities in these three adversary proceedings are identical (other than the names of the plaintiffs).
- c. Declaration of Christopher Buckley, three (3) pages in length with the State Court Judgement attached. *Id.*; Dckt. 16. These three Declarations by the State Court Counsel are substantially identical.
- d. Declaration of Robert Pfister, seven (7) pages in length with 96 pages of exhibits attached. *Id.*; Dckt. 17. The seven (7) pages of declaration are identical and the 96 pages of exhibits appear to be identical.
- e. Reply Brief, ten (10) pages in length. *Id.*; Dckt. 17. (It appears that there may be a formatting difference between the this Reply Brief and the one in *Evans* which tweaks the page breaks.)

In the *Knestrict* Adversary Proceeding, the following Motion to Remand Pleadings were filed by Plaintiff:

- A. Motion to Remand; three (3) pages in length. 24-2193; Dckt. 13. The Motions to Remand in these three adversary proceedings are identical (other than the names of the plaintiffs).
- B. Memorandum of Points and Authorities, ten (10) pages in length. *Id.*; Dckt. 16. The Points and Authorities in these three adversary proceedings are identical (other than the names of the plaintiffs).
- C. Declaration of Edward Dudensing, three (3) pages in length with the State Court Judgement attached. *Id.*; Dckt. 17. These three Declarations by the State Court Counsel are substantially identical.
- D. Declaration of Robert Pfister, seven (7) pages in length with 96 pages of exhibits attached. *Id.*; Dckt. 15. The seven (7) pages of declaration are identical and the 96 pages of exhibits appear to be identical.
- E. Reply Brief, ten (10) pages in length. *Id.*; Dckt. 22. (It appears that there may be a formatting difference between the this Reply Brief and the one in *Evans* which tweaks the page breaks.)

It appears that Plaintiff's counsel has been able to effectively reduce the cost to his Plaintiff clients by having very limited, to the point pleadings which are almost identical in the three Adversary Proceedings.

While the oppositions presented by the Defendant are without merit on the question of awarding **reasonable** attorney's fees and costs, actually incurred in preparing the Motion to Remand each of the Adversary Proceedings, the respective Plaintiffs have not provided the court with evidence of what the

actual, reasonable legal services provided were and the reasonable fees that go with such reasonable and necessary legal services.

It appears that Plaintiff in this Adversary Proceeding, is trying to duplicate bill for work done on other plaintiff's cases.

In looking at the actual work done, and assuming a reasonable hourly rate, \$5,000 to \$6,000 for the Motion pleadings and oral argument. The court appreciates that Plaintiff's counsel may work on matters for with a \$950+ per hour rate will be more than reasonable, handing a "simple" motion to remand when the removal violates not only the express terms of the Confirmed Chapter 11 Plan and the plain language of the Bankruptcy jurisdictional statutes and what the bankruptcy judges and court may adjudicate and what is prohibited (such as determination of Personal Injury and Wrongful Death Claims and litigation.

At the hearing, **XXXXXXX**

The court shall issue an order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion for an Award of Attorney's Fees filed by Ruby Evans, by and through her Successor in Interest, Willette Williams ("Plaintiff"), having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Motion is **XXXXXXX** .

**DONALD KNESTRICK BY AND  
THROUGH HIS SUCCESSOR-IN-INTEREST,  
KATHERINE FELKINS  
V. WINDSOR OXFORD HOLDING COMPANY, LLC**

**ADVERSARY PROCEEDING  
CLOSED: 03/13/25**

**Tentative Ruling:** Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court's resolution of the matter.

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Local Rule 9014-1(f)(1) Motion—Hearing Required.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Defendant Windsor Sacramento Estates, LLC ("Debtor") and Non-Debtor Defendant Windsor Norcal 13 Holdings, LLC ("Defendants") on May 1, 2025. By the court's calculation, 28 days' notice was provided. 28 days' notice is required.

The Motion for an Award of Attorney's Fees has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Failure of the respondent and other parties in interest to file written opposition at least fourteen days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (upholding a court ruling based upon a local rule construing a party's failure to file opposition as consent to grant a motion). The defaults of the non-responding parties and other parties in interest are entered.

<b>The Motion for an Award of Attorney's Fees is <span style="color: red;">XXXXXXX</span></b>
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Donald Knestrict by and through his successor-in-interest Katherine Felkins and Katherine Felkings, individually ("Plaintiffs") move this court for an award of attorney's fees in the amount of \$21,885 incurred in connection with Plaintiff's Motion to Remand Action to Sacramento Superior Court ("Remand Motion"), Docket 13. Plaintiffs seek the award pursuant to 28 U.S.C. § 1447(c), which states:

A motion to remand the case on the basis of any defect other than lack of subject matter jurisdiction must be made within 30 days after the filing of the notice of removal under section 1446(a). If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded. **An order remanding the case may require payment of just costs and any actual expenses, including attorney fees, incurred as a result of the removal.** A certified copy of the order of remand shall be mailed by the clerk to the clerk of the State court. The State court may thereupon proceed with such case.

(Emphasis added). Plaintiffs plead:

1. The Court's amply supported conclusion that "this removal is part of a forum shopping effort by the Defendants," Remand Opinion at 26:12. Mot. 2:13-15.
2. The fact that Defendants unnecessarily forced Plaintiffs' counsel to fully brief, argue, and prosecute to conclusion seven remand motions – four in this Court, three in the Central District of California – on materially indistinguishable facts and law, all leading to precisely the same result: remand to state court. Mot. 2:16-20.
3. Notably, Plaintiffs are not seeking an award of fees in the first case remanded by this Court – *Orrick v. Trestles, LLC, et al.*, Adv. Proc. No. 24-02189 (Bankr. E.D. Cal.) (remanded Nov. 15, 2024) – or any of the three cases remanded by the Bankruptcy Court in the Central District. Mot. 2:20-23.
  - a. Had *Orrick* been both the start and the end of Defendants' foray into federal court, Plaintiffs would not have filed this motion. Indeed, no motion for attorneys' fees was filed in *Orrick*, and none will be. Mem. 2:14-16, Docket 47.
4. The standard for awarding fees as part of the remand motion is one of objection reasonableness, as explained in *Martin v. Franklin Cap. Corp.*, 546 U.S. 132 (2005).
  - a. After having several cases remanded to state court by this court and Judge Kaufman in the Central District, Defendants attempted further remand motions, which are simply not objectively reasonable. Mem. 6:4-7.

## DEFENDANTS' OPPOSITION

Defendants filed an Opposition on May 15, 2025. Docket 51. Defendants assert:

1. The removal was objectively reasonable. Opp'n 2:13-16. The test is not whether the removing party ultimately prevails, but whether a reasonable litigant could have believed removal was proper. *Id.* at 2:14-15.
2. There are differences between this case and the *Orrick* case. Namely:
  - a. *Orrick* was a trial preference case with a trial that was set to commence one month after the hearing on the motion to remand;
  - b. There were five other defendants in *Orrick* (a separate nursing home and its related companies – which had no affiliation or business relationship whatsoever with Windsor); and



- c. Substantial discovery had been completed and extensive litigation had already taken place in the Superior Court in the *Orrick* matter “after months of litigation and on the eve of trial, Defendants now wish to remove”.

*Id.* at 3:10-20.

3. In contrast, in the present case, there is no trial date; all of the named defendants in this matter are alleged alter egos of one another and have some relationship with each other; and no discovery or depositions have taken place in the Superior Court. *Id.* at 2:22-24.

## **PLAINTIFFS’ REPLY**

Plaintiffs filed their Reply to the Opposition on May 22, 2025. Docket 43. Plaintiffs assert:

1. The Parties agree on the legal standard of objectively reasonable, and so the court must decide which Party prevails.
2. Awarding fees upon removal is still available even if jurisdictions existed. Reply at 4:6-5:18.
3. Defendants’ forum shopping was objectively unreasonable and constitutes unusual circumstances. *Id.* at 5:19-7:11.

## **APPLICABLE LAW AND DISCUSSION**

The court may award attorney’s fees upon remanding an action to state court. 11 U.S.C. § 1447(c). The standard of awarding fees is one of objective reasonableness, as laid out by the Supreme Court in *Martin v. Franklin Cap. Corp.*, 546 U.S. 132 (2005). The Supreme Court stated in *Martin*:

By enacting the removal statute, Congress granted a right to a federal forum to a limited class of state-court defendants. If fee shifting were automatic, defendants might choose to exercise this right only in cases where the right to remove was obvious. But there is no reason to suppose Congress meant to confer a right to remove, while at the same time discouraging its exercise in all but obvious cases.

Congress, however, would not have enacted § 1447(c) if its only concern were avoiding deterrence of proper removals. Instead, Congress thought fee shifting appropriate in some cases. The process of removing a case to federal court and then having it remanded back to state court delays resolution of the case, imposes additional costs on both parties, and wastes judicial resources. Assessing costs and fees on remand reduces the attractiveness of removal as a method for delaying litigation and imposing costs on the plaintiff. The appropriate test for awarding fees under § 1447(c) should recognize the desire to deter removals sought for the purpose of prolonging litigation and imposing costs on the opposing party, while not

undermining Congress' basic decision to afford defendants a right to remove as a general matter, when the statutory criteria are satisfied.

In light of these large objectives the standard for awarding fees should turn on the reasonableness of the removal. Absent unusual circumstances, courts may award attorney's fees under § 1447(c) only where the removing party lacked an objectively reasonable basis for seeking removal. Conversely, when an objectively reasonable basis exists, fees should be denied. In applying this rule, district courts retain discretion to consider whether unusual circumstances warrant a departure from the rule in a given case. For instance, a plaintiff's delay in seeking remand or failure to disclose facts necessary to determine jurisdiction may affect the decision to award attorney's fees. When a court exercises its discretion in this manner, however, its reasons for departing from the general rule should be "faithful to the purposes" of awarding fees under § 1447(c).

*Martin*, 546 U.S. at 140-41 (internal quotations omitted).

The facts are well known to the Parties. The standard in this case is one of objective reasonableness, not whether any reasonable litigant could have believed removal to be proper.

As an initial matter, the point is well taken by Defendants that all proceedings were removed at the same time. However, the issue arises where Defendants continued to litigate and brief the issue after this court having had down the decision in *Orrick*. The court remanded the *Orrick* case to state court on November 15, 2024. *Orrick v. Trestles, LLC, et al.*, Adv. Proc. No. 24-02189, Docket 40, November 15, 2024. The case before the court now was remanded on February 20, 2025. Order, Docket 34. Defendants opposed remanding the case on November 21, 2024, approximately one week after this court remanded *Orrick*. Opp'n to Mot. to Remand, Docket 20. The facts of this case are extremely similar to those in *Orrick*. Both cases involve individuals with personal injury claims arising out of Defendants treatment of aging and elderly in their medical facilities. Both plaintiffs' causes of action were specifically provided for in a Plan of Reorganization in the Windsor case. Both plaintiffs' causes of action involved elder abuse and infliction of emotional distress resulting therefrom. It is true that the two cases were in slightly different stages of litigation, but the facts were overwhelmingly identical.

Defendants pressed forward in opposing the Motion to Remand despite having the benefit of the *Orrick* decision. Defendants made similar arguments in both oppositions to the Motions to Remand. Defendants forced Plaintiffs to incur expense and caused delay as a result of pursuing their opposition. The court concludes that opposing the Motion to Remand in this case was not objectively reasonable. Therefore, the Motion is granted, and Plaintiffs are awarded attorney's fees in the amount of \$21,885 for attorney's fees incurred in connection with briefing this Motion to Remand.

In the Memorandum Opinion and Decision (which is 26 pages in length) granting the Motion to Remand, it is clear that Congress has excluded "Personal Injury Claims" from bankruptcy court exercise of federal court jurisdiction.

In reviewing the proper exercise of federal court jurisdiction in connection with related to matters and the "bankruptcy intrusion" (in a positive way) on the State Court judicial process, the provisions of 28 U.S.C. § 157 are also relevant.

§ 157. Procedures

(a) Each district court may provide that any or all cases under title 11 and any or all proceedings arising under title 11 or arising in or related to a case under title 11 shall be referred to the bankruptcy judges for the district.

(b)

(1) Bankruptcy judges may hear and determine all cases under title 11 and all core proceedings arising under title 11, or arising in a case under title 11, referred under subsection (a) of this section, and may enter appropriate orders and judgments, subject to review under section 158 of this title.

(2) Core proceedings include, but are not limited to—

...

(B) allowance or disallowance of claims against the estate or exemptions from property of the estate, and estimation of claims or interests for the purposes of confirming a plan under chapter 11, 12, or 13 of title 11 **but not the liquidation or estimation of contingent or unliquidated personal injury tort or wrongful death claims against the estate for purposes of distribution in a case under title 11;**

...

(O) other proceedings affecting the liquidation of the assets of the estate or the adjustment of the debtor-creditor or the equity security holder relationship, **except personal injury tort or wrongful death claims;** and

...

(5) **The district court shall order that personal injury tort and wrongful death claims shall be tried in the district court** in which the bankruptcy case is pending, or in the district court in the district in which the claim arose, as determined by the district court in which the bankruptcy case is pending.

Memorandum Opinion and Decision, p. 6:19 - 7-28.

The Bankruptcy Court cannot, as a matter of law, adjudicate a personal injury tort or wrongful injury claim.

As the court addresses in the Memorandum Opinion and Decision, the confirmed Chapter 11 Plan to which this Adversary Proceeding is related, expressly identifies Plaintiff's claim as a "Personal Injury Claim." *Id.*; p. 9:23-10:22. Additionally, the confirmed Chapter 11 Plan expressly states:

The **Personal Injury Claim** of any claimant who does not accept the Debtors' proposed Claim settlement amount and who does not reach agreement with the Debtors through mediation or otherwise on a different mutually agreeable Claim settlement amount will be deemed a Disputed Claim, and **the holder of any such Claim will not be entitled to receive any distribution from the Reorganized Debtors unless and until such Claim becomes a liquidated Allowed Claim pursuant to a Final Order from the District Court or, to the extent the District Court elects to abstain, the applicable state court, at which time such Claim will be treated in the same manner as all other Allowed General Unsecured Claims.** For the avoidance of doubt, all rights of holders of Personal Injury Claims and the Reorganized Debtors with respect to any request for abstention by the District Court are expressly preserved and reserved.

*Id.*; p. 32:1-11.

Thus, it appears that the plain language of the Confirmed Chapter 11 Plan, drafted for and prosecuted by the Debtor-Defendant, defines Plaintiffs' claim as one for "Personal Injury."

*Id.*; p. 10:15-24.

This court addresses the question of whether Federal Court Jurisdiction exists and whether the Defendant-Debtor could seek to have bankruptcy judge adjudicate a Personal Injury Claim, stating:

### **Federal Court Jurisdiction**

As this Court addresses in this Ruling and in detail at the hearing, Congress expressly provides for Federal Court jurisdiction in 28 U.S.C. § 157 where not only core matter proceedings, but also certain non-core proceedings, can be ruled on by a Bankruptcy Judge with the consent of the parties. However, Congress expressly provides in 11 U.S.C. § 157(b)(2)(B) that allowance or disallowance of claims based on a personal injury tort or wrongful death claims are not core matter proceedings, and even going further, Congress expressly requires that the District Court shall order that personal injury or and wrongful death claims be tried in the District Court (28 U.S.C. § 157(b)(5)). Such personal injury claims must be tried in the District Court, not the Bankruptcy Court, by the plain language of 11 U.S.C. § 157(b)(5). <sup>Fn.2.</sup>

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FN. 2. The Supreme Court in *Stern v. Marshall*, 564 U.S. 462, 479-480 (2011), has held that the provisions of 28 U.S.C. § 157(b)(5) requiring that the personal injury tort and wrongful death claims shall be tried in the District Court are not statutory jurisdictional limitation provisions, but did conclude that absent the consent of the

parties adjudication of such claims violated the Constitutional jurisdiction provisions providing the right to adjudication of such rights in an Article III Court.

In this Adversary Proceeding, the Plaintiffs have not consented to the Article I Bankruptcy Judge adjudicating these personal injury or wrongful death claims.

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The argument by Debtor-Defendant is that while the District Court will ultimately conduct the “trial,” it is proper for the Bankruptcy Judge to do all of the pretrial work, make the pretrial rulings, and then “assign” (in this Court’s words) the litigation to a District Court Judge to conduct the trial. This is *contra* to the District Court fulfilling its statutory duties to order that the personal injury and wrongful death claims be tried, from start to finish, in the District Court before an Article III Judge (who may then choose to assign specific pretrial matters to an Article I Judge).

The Debtor-Defendant’s proposition that the Bankruptcy Judge will address all pre-trial matters and then the State Court Action will be assigned to a District Court Judge to conduct the trial (living with all that was done pre-trial by the Bankruptcy Judge) runs contrary to the provisions of 28 U.S.C. § 157(c). . . .

*Id.*; p. 15:12-16:9.

The court also considered that given the express statutory requirement that Personal Injury Claims be in the District Court and not within a bankruptcy court’s related matter jurisdiction, the Defendant-Debtor failed, to the extent that the removal was made to the bankruptcy court, to request that the District Court withdraw the reference and have the matter prosecuted in the court which Congress has expressly required.

This court did not find persuasive or any of merit the Defendant-Debtor’s argument that the State Court might enter a judgment larger than the Defendant-Debtor wanted and projected in confirming the Chapter 11 Plan, thus the State Court, entering a judgment on the merits could impede the Defendant-Debtor’s ability to perform the Confirmed Chapter 11 Plan. Rather, it was better to have a Federal Court made the determination, because the Federal Court would not enter an judgment in an amount that would impede Defendant-Debtors’ ability to perform the Confirmed Chapter 11 Plan.

The Debtor-Defendant presents the following argument/analysis in support of a contention that not litigating the State Court Complaint in the Bankruptcy Court would impede the efficient administration of the Confirmed Chapter 11 Plan:

Resolution of the state court claims in tandem with the completion of the Debtor’s Plan of Reorganization is the contemplated outcome of the cases being jointly administered through *In re Windsor*. For this Court to deny the Plaintiff’s motion for remand allows for the most efficient resolution of all the claims tied into the joint bankruptcy proceedings.

The only named defendant in the state court action is the debtor. Any judgment against Windsor El Camino Care Center will be submitted to the In re Windsor court, where it will be paid out at the percentage elected by the Plaintiff under the applicable part of the plan of reorganization. **If the state court award were to be unexpectedly large, it could strain the financial backstop, leading to potential modifications to the plan or adjustments to how claims are paid.**

Opposition, p. 3:10-19; Dckt. 16 (emphasis added).

The Court's conclusion is the opposite of what the Debtor-Defendant argues with respect to this factor. As an initial matter, whether in State Court or Federal Court, the parties are entitled to a jury trial, which both the Debtor-Defendant (Debtor-Defendant's Jury Demand; Dckt. 8) and the Plaintiffs (Plaintiffs' State Court Complaint, Ex. A; Dckt. 14; and Plaintiffs; Statement Pursuant to Fed. Bankr. Rule 9027(e)(3) and 28 U.S.C. § 157(e), item (iv) p. 1; Dckt. 9) have demanded for this Adversary Proceeding. The Debtor-Defendant offers no indication how the Federal Court could somehow more quickly and efficiently conduct the litigation on the State Court Complaint. This is especially true in the Eastern District of California where the District Court Judges have some of the highest case loads in the Nation.

The Debtor-Defendant then makes what this Court concludes to be a fallacious assertion – that somehow a State Court trial would generate an inappropriately large judgment, and thereby cause the performance of the Chapter 11 Plan to be delayed or impaired. This first presumes that a State Court would not be entering a judgment based on the facts and law.

Second, this presumes that a Federal Court would consider that in light of the Chapter 11 Plan, the amount of the judgment would need to be “adjusted” or “tweaked” to a lower amount so as to enhance Debtor-Defendant's ability to perform the Chapter 11 Plan based on Debtor-Defendant's estimates of what it believed to be the amount of Plaintiffs' claims. This assertion is based on an apparent belief that Federal Courts do not enter judgments based on the fact and the law, but what would be a better result for one party (here the Debtor-Defendant) over the other (here the Plaintiffs).

Nothing credible has been presented by Debtor-Defendant that the Federal Court presents a better forum for the adjudication of this claim than the State Court. This factor weights in favor of remand.

*Id.*; p. 18:1-19:25.

Finally, this court also concluded that Defendant-Debtor's removal of this State Court Action to this bankruptcy court was obvious forum shopping.

This Court concludes that this removal is part of a forum shopping effort by the Debtor-Defendant. As noted above, in starting its Argument why the Motion to

Remand should be denied, the Debtor-Defendant postulates (repeating the plain language stated in the Opposition):

Resolution of the state court claims in tandem with the completion of the Debtor's Plan of Reorganization is the contemplated outcome of the cases being jointly administered through *In re Windsor*. For this Court to deny the Plaintiff's motion for remand allows for the most efficient resolution of all the claims tied into the joint bankruptcy proceedings.

The only named defendant in the state court action is the debtor. Any judgment against Windsor El Camino Care Center will be submitted to the *In re Windsor* court, where it will be paid out at the percentage elected by the Plaintiff under the applicable part of the plan of reorganization. **If the state court award were to be unexpectedly large, it could strain the financial backstop, leading to potential modifications to the plan or adjustments to how claims are paid.** For these reasons, this Court should deny the Plaintiff's Motion to Remand.

Opposition, p. 3:10-19; Dckt. 16 (emphasis added).

The Debtor-Defendant does not put forth any credible argument or evidence that bringing these State Law Claims to Federal Court would put them in the "most efficient" court for resolution of the State Law Claims. This Court reads the argument advanced to be that Debtor-Defendant seeks to litigate the State Court Complaint in Federal Court because the Federal Court Judge and jury are more likely to give Debtor-Defendant a judgment that Debtor-Defendant requests and likes, as oppose to a State Court Judge and jury. This assumption appears to presume that the Federal Court judges are "biased" in favor of a debtor in litigating related to matters so as not to "upset" a debtor's bankruptcy plan by entering a judgment for a creditor in an amount that is correct based on the facts and the law.

*Id.*; p. 22:18-23:12.

The evidence, law, and arguments presented clearly establish that Defendant-Debtor and its attorneys did not have any reasonable basis for removing this State Court Action to this Bankruptcy Court. Additionally, after the court issued its first Memorandum Opinion and Decision stating that such Personal Injury Claims must be tried, and removed to, the District Court, Defendant-Debtor took no action to promptly file a motion for the District Court judge to withdraw the reference had have the removed Personal Injury Claim properly in from of an Article III District Court judge.

### **Fees and Costs Requested**

For this Adversary Proceeding and the two others (24-2193 and 2190) in which Pfister & Saso, LLC is representing the Plaintiffs, \$21,885 is requested for filing the Motions to Remand. Thus, Pfister & Saso states that filing these Motions to Remand has caused there to be a total of \$65,665.00 in actual legal time reasonably spent for the three, all but identical motions.

Robert J. Pfister, Esq. provides his declaration of how these high fees were reasonable incurred. Because filing the motions to remand in the seven removed cases, the attorneys had to jump on it and get motions, declaration, and points and authorities drafted within 30 days.

Attached to the Declaration are billing exhibits (which the Local Bankruptcy Rules require to be filed separately from a motion, declaration, or points and authorities) to show the necessary work done. In the table below, the court compares the billing records in the three adversary proceedings before the court on May 29, 2025.

<i><b>Russell v. Windson El Camino Care Center, LLC et al</b></i> <b>24-2188</b> <b>Robert J. Pfister Dec. Exhibits A-E; Dckt. 38 and Exhibit F; Dckt. 40</b>	<b>Fees</b>	<i><b>Evans v. Windsor Vallejo Care Center, LLC</b></i> <b>24-2190</b> <b>Robert J. Pfister Dec. Dckt.</b>	<b>Fees</b>	<i><b>Knestrick v. Sindsor Oxford Holding Company, LLC et al</b></i> <b>24-2193</b> <b>Robert J. Pfister Dec. Dckt.</b>	<b>Fees</b>
<b>September 26, 2024</b> [RJP Biller] Removal Notice, Prelim Docket Investigation, Exchange Correspondence with J. Renneisen 0.5 Hrs	\$497.50	<b>September 26, 2024</b> [RJP Biller] Removal Notice, Prelim Docket Investigation, Exchange Correspondence with J. Renneisen 0.5 Hrs	\$487.50	<b>September 26, 2024</b> [RJP Biller] Removal Notice, Prelim Docket Investigation, Exchange Correspondence with J. Renneisen 0.5 Hrs	\$497.50
<b>September 27, 2024</b> [RJP Biller] Analyze Debtors' Removal, preliminary legal and factual research and next steps, exchange correspondence with Ad Ho Group 2.70 Hrs	\$2,686.50	<b>September 27, 2024</b> [RJP Biller] Analyze Debtors' Removal, preliminary legal and factual research and next steps, exchange correspondence with Ad Ho Group 2.70 Hrs	\$2,686.50	<b>September 27, 2024</b> [RJP Biller] Analyze Debtors' Removal, preliminary legal and factual research and next steps, exchange correspondence with Ad Ho Group 2.70 Hrs	\$2,686.50
<b>September 27, 2024</b> [PAS Biller] Analyze removal notices and prepare outline of evidence and argument for motions to remand 2.10 Hrs	\$2,089.50	<b>September 27, 2024</b> [PAS Biller] Analyze removal notices and prepare outline of evidence and argument for motions to remand 2.10 Hrs	\$2,089.50	<b>September 27, 2024</b> [PAS Biller] Analyze removal notices and prepare outline of evidence and argument for motions to remand 2.10 Hrs	\$2,089.50



<b>September 29, 2024</b> [PAS Biller] Legal research and analysis re removal, remand motions, and procedural matters. 1.80 Hrs	\$1,791.00	<b>September 29, 2024</b> [PAS Biller] Legal research and analysis re removal, remand motions, and procedural matters. 1.80 Hrs	\$1,791.00	<b>September 29, 2024</b> [PAS Biller] Legal research and analysis re removal, remand motions, and procedural matters. 1.80 Hrs	\$1,791.00
<b>September 29, 2024</b> [RJP Biller] Exchange correspondence with A. Collins re removal of Orrick and discussion of same. 0.10 Hrs	No Charge	<b>September 29, 2024</b> [RJP Biller] Exchange correspondence with A. Collins re removal of Orrick and discussion of same. 0.10 Hrs	No Charge	<b>September 29, 2024</b> [RJP Biller] Exchange correspondence with A. Collins re removal of Orrick and discussion of same. 0.10 Hrs	No Charge
<b>September 30, 2024</b> [PAS Biller] Legal research and analysis re removal, remand motions, and procedural; coordinate with R. Pfister 2.20 Hrs	\$2,189.00	<b>September 30, 2024</b> [PAS Biller] Legal research and analysis re removal, remand motions, and procedural; coordinate with R. Pfister 2.20 Hrs	\$2,189.00	<b>September 30, 2024</b> [PAS Biller] Legal research and analysis re removal, remand motions, and procedural; coordinate with R. Pfister 2.20 Hrs	\$2,189.00
<b>September 30, 2024</b> [PAS Biller] Conference call with A Collins, T. McLaughlin and R. Pfister re Orrick removal and remand motion. 1 Hrs	No Charge	<b>September 30, 2024</b> [PAS Biller] Conference call with A Collins, T. McLaughlin and R. Pfister re Orrick removal and remand motion. 1 Hrs	No Charge	<b>September 30, 2024</b> [PAS Biller] Conference call with A Collins, T. McLaughlin and R. Pfister re Orrick removal and remand motion. 1 Hrs	No Charge

<b>September 30, 2024</b> [RJP Biller] Conference call with A Collins, T. McLaughlin and R. Pfister re Orrick removal and remand motion. 1 Hrs	\$995.00	<b>September 30, 2024</b> [RJP Biller] Conference call with A Collins, T. McLaughlin and R. Pfister re Orrick removal and remand motion. 1 Hrs	\$995.00	<b>September 30, 2024</b> [RJP Biller] Conference call with A Collins, T. McLaughlin and R. Pfister re Orrick removal and remand motion. 1 Hrs	\$995.00
<b>September 30, 2024</b> [PAS Biller] Analyze material and prepare outline for Orrick Motion to Remand 1.90 Hrs	\$1,890.50	<b>September 30, 2024</b> [PAS Biller] Analyze material and prepare outline for Orrick Motion to Remand 1.90 Hrs	\$1,890.50	<b>September 30, 2024</b> [PAS Biller] Analyze material and prepare outline for Orrick Motion to Remand 1.90 Hrs	\$1,890.50
<b>October 1, 2024</b> [PAS Biller] Exchange correspondence with A. Collins and T. McLaughlin re Orrick remand motion 0.10 Hrs	No Charge	<b>October 1, 2024</b> [PAS Biller] Exchange correspondence with A. Collins and T. McLaughlin re Orrick remand motion 0.10 Hrs	No Charge	<b>October 1, 2024</b> [PAS Biller] Exchange correspondence with A. Collins and T. McLaughlin re Orrick remand motion 0.10 Hrs	No Charge
<b>October 1, 2024</b> [RJP Biller] Exchange correspondence with client group 0.20 Hrs	No Charge	<b>October 1, 2024</b> [RJP Biller] Exchange correspondence with client group 0.20 Hrs	No Charge	<b>October 1, 2024</b> [RJP Biller] Exchange correspondence with client group 0.20 Hrs	No Charge
<b>October 2, 2024</b> [PAS Biller] Research and draft Orrick motion to remand 3.50 Hrs	\$3,482.50	<b>October 2, 2024</b> [PAS Biller] Research and draft Orrick motion to remand 3.50 Hrs	\$3,482.50	<b>October 2, 2024</b> [PAS Biller] Research and draft Orrick motion to remand 3.50 Hrs	\$3,482.50

<b>October 3, 2024</b> [PAS Biller] Analyze local rules and individual practices for Judge Sargis re remand motions 0.20 Hrs	No Charge	<b>October 3, 2024</b> [PAS Biller] Analyze local rules and individual practices for Judge Sargis re remand motions 0.20 Hrs	No Charge	<b>October 3, 2024</b> [PAS Biller] Analyze local rules and individual practices for Judge Sargis re remand motions 0.20 Hrs	No Charge
<b>October 3, 2024</b> [PAS Biller] Prepare Orrick motion to remand and supporting declarations 2.90 Hrs	\$2,885.50	<b>October 3, 2024</b> [PAS Biller] Prepare Orrick motion to remand and supporting declarations 2.90 Hrs	\$2,885.50	<b>October 3, 2024</b> [PAS Biller] Prepare Orrick motion to remand and supporting declarations 2.90 Hrs	\$2,885.50
<b>October 3, 2024</b> [RJP Biller] Analyze removal papers and newly-opened dockets re cases removed from state court, exchange correspondence with counsel and coordinate with P. Saso re remand briefing 1.30 Hrs	\$1,295.50	<b>October 3, 2024</b> [RJP Biller] Analyze removal papers and newly-opened dockets re cases removed from state court, exchange correspondence with counsel and coordinate with P. Saso re remand briefing 1.30 Hrs	\$1,295.50	<b>October 3, 2024</b> [RJP Biller] Analyze removal papers and newly-opened dockets re cases removed from state court, exchange correspondence with counsel and coordinate with P. Saso re remand briefing 1.30 Hrs	\$1,295.50
<b>October 4, 2024</b> [PAS Biller] Review removed cases and prepare notes re strategy / timing for remand motions 0.40 Hrs	\$398.00	<b>October 4, 2024</b> [PAS Biller] Review removed cases and prepare notes re strategy / timing for remand motions 0.40 Hrs	\$398.00	<b>October 4, 2024</b> [PAS Biller] Review removed cases and prepare notes re strategy / timing for remand motions 0.40 Hrs	\$398.00

<b>October 8, 2024</b> [RJP Biller] Analyze materials re Orrick discovery in light of removal to bankruptcy court, exchange correspondence with T. McLaughlin re same and next steps 0.40 Hrs	\$995.00	<b>October 8, 2024</b> [RJP Biller] Analyze materials re Orrick discovery in light of removal to bankruptcy court, exchange correspondence with T. McLaughlin re same and next steps 0.40 Hrs	\$995.00	<b>October 8, 2024</b> [RJP Biller] Analyze materials re Orrick discovery in light of removal to bankruptcy court, exchange correspondence with T. McLaughlin re same and next steps 0.40 Hrs	\$995.00
<b>October 9, 2024</b> [PAS Biller] Legal and factual research and analysis re equitable remand under section 1452(b) 2.10 Hrs	No Charge	<b>October 9, 2024</b> [PAS Biller] Legal and factual research and analysis re equitable remand under section 1452(b) 2.10 Hrs	No Charge	<b>October 9, 2024</b> [PAS Biller] Legal and factual research and analysis re equitable remand under section 1452(b) 2.10 Hrs	No Charge
<b>October 9, 2024</b> [RJP Biller] Analyze scheduling order re Orrick; exchange correspondence with T. McLaughlin re discovery options in light of same 0.40 Hrs	\$398.00	<b>October 9, 2024</b> [RJP Biller] Analyze scheduling order re Orrick; exchange correspondence with T. McLaughlin re discovery options in light of same 0.40 Hrs	\$398.00	<b>October 9, 2024</b> [RJP Biller] Analyze scheduling order re Orrick; exchange correspondence with T. McLaughlin re discovery options in light of same 0.40 Hrs	\$398.00
<b>October 10, 2024</b> [PAS Biller] Review and revise Rule 9027 and LBR 9015-2 notices 0.20 Hrs	No Charge	<b>October 10, 2024</b> [PAS Biller] Review and revise Rule 9027 and LBR 9015-2 notices 0.20 Hrs	No Charge	<b>October 10, 2024</b> [PAS Biller] Review and revise Rule 9027 and LBR 9015-2 notices 0.20 Hrs	No Charge
<b>October 10, 2024</b> [PAS Biller] Prepare Orrick motion to remand 1.80 Hrs	\$1,791.00	<b>October 10, 2024</b> [PAS Biller] Prepare Orrick motion to remand 1.80 Hrs	\$1,791.00	<b>October 10, 2024</b> [PAS Biller] Prepare Orrick motion to remand 1.80 Hrs	\$1,791.00

<b>October 10, 2024</b> [RJP Biller] Draft, revise, finalize, and file Rule 9027 and LBR 9015-2 statements in Wicker, Floyd-Carter, Evans, Orrick, and Russell-Washington (2.2); analyze discharge order and review implications re removal timing (0.2); follow-up correspondence re discovery and next steps in Orrick (0.1) 2.50 Hrs	\$2,487.50	<b>October 10, 2024</b> [RJP Biller] Draft, revise, finalize, and file Rule 9027 and LBR 9015-2 statements in Wicker, Floyd-Carter, Evans, Orrick, and Russell-Washington (2.2); analyze discharge order and review implications re removal timing (0.2); follow-up correspondence re discovery and next steps in Orrick (0.1) 2.50 Hrs	\$2,487.50	<b>October 10, 2024</b> [RJP Biller] Draft, revise, finalize, and file Rule 9027 and LBR 9015-2 statements in Wicker, Floyd-Carter, Evans, Orrick, and Russell-Washington (2.2); analyze discharge order and review implications re removal timing (0.2); follow-up correspondence re discovery and next steps in Orrick (0.1) 2.50 Hrs	\$2,487.50
<b>October 11, 2024</b> [PAS Biller] Continued factual and legal analysis re equitable remand 2.00 Hrs	No Charge	<b>October 11, 2024</b> [PAS Biller] Continued factual and legal analysis re equitable remand 2.00 Hrs	No Charge	<b>October 11, 2024</b> [PAS Biller] Continued factual and legal analysis re equitable remand 2.00 Hrs	No Charge
<b>October 11, 2024</b> [PAS Biller] Prepare Orrick remand motion and supporting materials 1.40 Hrs	\$1,393.00	<b>October 11, 2024</b> [PAS Biller] Prepare Orrick remand motion and supporting materials 1.40 Hrs	\$1,393.00	<b>October 11, 2024</b> [PAS Biller] Prepare Orrick remand motion and supporting materials 1.40 Hrs	\$1,393.00
<b>October 11, 2024</b> [RJP Biller] Follow-up correspondence re Orrick and filed Rule 9027 and LBR 9015-2 statements 0.02 Hrs	No Charge	<b>October 11, 2024</b> [RJP Biller] Follow-up correspondence re Orrick and filed Rule 9027 and LBR 9015-2 statements 0.02 Hrs	No Charge	<b>October 11, 2024</b> [RJP Biller] Follow-up correspondence re Orrick and filed Rule 9027 and LBR 9015-2 statements 0.02 Hrs	No Charge

<b>October 14, 2024</b> [RJP Biller] Analyze additional removal notices; exchange correspondence re same and re remand timing 0.30 Hrs	\$298.50	<b>October 14, 2024</b> [RJP Biller] Analyze additional removal notices; exchange correspondence re same and re remand timing 0.30 Hrs	\$298.50	<b>October 14, 2024</b> [RJP Biller] Analyze additional removal notices; exchange correspondence re same and re remand timing 0.30 Hrs	\$298.50
<b>October 14, 2024</b> [PAS Biller] Prepare Orrick motion to remand and supporting papers 5.30 Hrs	\$5,273.50	<b>October 14, 2024</b> [PAS Biller] Prepare Orrick motion to remand and supporting papers 5.30 Hrs	\$5,273.50	<b>October 14, 2024</b> [PAS Biller] Prepare Orrick motion to remand and supporting papers 5.30 Hrs	\$5,273.50
<b>October 16, 2024</b> [PAS Biller] Review and revise declarations in support of Orrick remand motion. 0.40 Hrs	\$398.00	<b>October 16, 2024</b> [PAS Biller] Review and revise declarations in support of Orrick remand motion. 0.40 Hrs	\$398.00	<b>October 16, 2024</b> [PAS Biller] Review and revise declarations in support of Orrick remand motion. 0.40 Hrs	\$398.00
<b>October 17, 2024</b> [RJP Biller] Revise, finalize and file Orrick remand motion and supporting papers (3.2); prepare and file Rule 9027 and LBR 9015-2 notices in Portis and Knestrict (0.7); analyze removed dockets and prepare notes re timing (0.4)	\$4,278.50	<b>October 17, 2024</b> [RJP Biller] Revise, finalize and file Orrick remand motion and supporting papers (3.2); prepare and file Rule 9027 and LBR 9015-2 notices in Portis and Knestrict (0.7); analyze removed dockets and prepare notes re timing (0.4)	\$4,278.50	<b>October 17, 2024</b> [RJP Biller] Revise, finalize and file Orrick remand motion and supporting papers (3.2); prepare and file Rule 9027 and LBR 9015-2 notices in Portis and Knestrict (0.7); analyze removed dockets and prepare notes re timing (0.4)	\$4,278.50

<b>October 17, 2024</b> [PAS Biller] Revise and finalize Orrick remand motion and supporting papers 1.60 Hrs	\$1,592.00	<b>October 17, 2024</b> [PAS Biller] Revise and finalize Orrick remand motion and supporting papers 1.60 Hrs	\$1,592.00	<b>October 17, 2024</b> [PAS Biller] Revise and finalize Orrick remand motion and supporting papers 1.60 Hrs	\$1,592.00
<b>October 18, 2024</b> [PAS Biller] Analyze strategy of timing and sequencing of remand motions and coordinate with R. Pfister re same (0.4); review PHV requirements re E.D. Cal. (0.2) 0.60 Hrs	No Charge	<b>October 18, 2024</b> [PAS Biller] Analyze strategy of timing and sequencing of remand motions and coordinate with R. Pfister re same (0.4); review PHV requirements re E.D. Cal. (0.2) 0.60 Hrs	No Charge	<b>October 18, 2024</b> [PAS Biller] Analyze strategy of timing and sequencing of remand motions and coordinate with R. Pfister re same (0.4); review PHV requirements re E.D. Cal. (0.2) 0.60 Hrs	No Charge
<b>October 18, 2024</b> [RJP Biller] Prepare detailed client update re removals, remand motions, and next steps in connection with abstention; exchange follow-up correspondence re same; coordinate with P. Saso re remand motions in remaining removed cases 1.00 Hrs	\$995.00	<b>October 18, 2024</b> [RJP Biller] Prepare detailed client update re removals, remand motions, and next steps in connection with abstention; exchange follow-up correspondence re same; coordinate with P. Saso re remand motions in remaining removed cases 1.00 Hrs	\$995.00	<b>October 18, 2024</b> [RJP Biller] Prepare detailed client update re removals, remand motions, and next steps in connection with abstention; exchange follow-up correspondence re same; coordinate with P. Saso re remand motions in remaining removed cases 1.00 Hrs	\$995.00
<b>October 21, 2024</b> [PAS Biller] Exchange correspondence with client group re fact gathering for motions to remand; follow-up re same 0.70 Hrs	\$696.50	<b>October 21, 2024</b> [PAS Biller] Exchange correspondence with client group re fact gathering for motions to remand; follow-up re same 0.70 Hrs	\$696.50	<b>October 21, 2024</b> [PAS Biller] Exchange correspondence with client group re fact gathering for motions to remand; follow-up re same 0.70 Hrs	\$696.50

<b>October 22, 2024</b> [RJP Biller] Analyze removed cases and prepare outline re remand / abstention issues; exchange correspondence re same 0.80 Hrs	\$796.00	<b>October 22, 2024</b> [RJP Biller] Analyze removed cases and prepare outline re remand / abstention issues; exchange correspondence re same 0.80 Hrs	\$796.00	<b>October 22, 2024</b> [RJP Biller] Analyze removed cases and prepare outline re remand / abstention issues; exchange correspondence re same 0.80 Hrs	\$796.00
<b>October 22, 2024</b> [PAS Biller] Prepare PHV motion in E.D. Cal. 0.20 Hrs	No Charge	<b>October 22, 2024</b> [PAS Biller] Prepare PHV motion in E.D. Cal. 0.20 Hrs	No Charge	<b>October 22, 2024</b> [PAS Biller] Prepare PHV motion in E.D. Cal. 0.20 Hrs	No Charge
<b>October 23, 2024</b> [RJP Biller] Review client correspondence re remand motions; coordinate with P. Saso re briefing 0.30 Hrs	No Charge	<b>October 23, 2024</b> [RJP Biller] Review client correspondence re remand motions; coordinate with P. Saso re briefing 0.30 Hrs	No Charge	<b>October 23, 2024</b> [RJP Biller] Review client correspondence re remand motions; coordinate with P. Saso re briefing 0.30 Hrs	No Charge
<b>October 23, 2024</b> [PAS Biller] Prepare remand motions and supporting papers in E.D. Cal. cases (Evans, Russell-Washington) 2.40 Hrs	\$2,388.00	<b>October 23, 2024</b> [PAS Biller] Prepare remand motions and supporting papers in E.D. Cal. cases (Evans, Russell-Washington) 2.40 Hrs	\$2,388.00	<b>October 23, 2024</b> [PAS Biller] Prepare remand motions and supporting papers in E.D. Cal. cases (Evans, Russell-Washington) 2.40 Hrs	\$2,388.00
<b>October 23, 2024</b> [PAS Biller] Exchange correspondence re remand motions; coordinate with R. Pfister re same 0.03 Hrs	No Charge	<b>October 23, 2024</b> [PAS Biller] Exchange correspondence re remand motions; coordinate with R. Pfister re same 0.03 Hrs	No Charge	<b>October 23, 2024</b> [PAS Biller] Exchange correspondence re remand motions; coordinate with R. Pfister re same 0.03 Hrs	No Charge



<b>October 24, 2024</b> [RJP Biller] Review and revise interim drafts of remand motions, including further research re same 1.50 Hrs	\$1,492.50	<b>October 24, 2024</b> [RJP Biller] Review and revise interim drafts of remand motions, including further research re same 1.50 Hrs	\$1,492.50	<b>October 24, 2024</b> [RJP Biller] Review and revise interim drafts of remand motions, including further research re same 1.50 Hrs	\$1,492.50
<b>October 24, 2024</b> [RJP Biller] Confer with P. Saso re revisions to remand motions and re motion to dismiss appeal 0.80 Hrs	No Charge	<b>October 24, 2024</b> [RJP Biller] Confer with P. Saso re revisions to remand motions and re motion to dismiss appeal 0.80 Hrs	No Charge	<b>October 24, 2024</b> [RJP Biller] Confer with P. Saso re revisions to remand motions and re motion to dismiss appeal 0.80 Hrs	No Charge
<b>October 23, 2024</b> [PAS Biller] Prepare and revise Evans and Wicker remand motions and supporting papers 2.30 Hrs	\$2,288.50	<b>October 23, 2024</b> [PAS Biller] Prepare and revise Evans and Wicker remand motions and supporting papers 2.30 Hrs	\$2,288.50	<b>October 23, 2024</b> [PAS Biller] Prepare and revise Evans and Wicker remand motions and supporting papers 2.30 Hrs	\$2,288.50
<b>October 25, 2024</b> [RJP Biller] Revise, finalize, and file remand motions and supporting papers in C.D. Cal. removed cases (Wicker, Carter-Floyd); revise and finalize remand motions and supporting papers in E.D. Cal. removed cases (Evans, Russell-Washington) 6.80 Hrs	\$6,766.00	<b>October 25, 2024</b> [RJP Biller] Revise, finalize, and file remand motions and supporting papers in C.D. Cal. removed cases (Wicker, Carter-Floyd); revise and finalize remand motions and supporting papers in E.D. Cal. removed cases (Evans, Russell-Washington) 6.80 Hrs	\$6,766.00	<b>October 25, 2024</b> [RJP Biller] Revise, finalize, and file remand motions and supporting papers in C.D. Cal. removed cases (Wicker, Carter-Floyd); revise and finalize remand motions and supporting papers in E.D. Cal. removed cases (Evans, Russell-Washington) 6.80 Hrs	\$6,766.00

<b>October 25, 2024</b> [RJP Biller] Review defense filings in removed cases (supplements to dockets, notices of status conferences); review pertinent rules re same 0.30	No Charge	<b>October 25, 2024</b> [RJP Biller] Review defense filings in removed cases (supplements to dockets, notices of status conferences); review pertinent rules re same 0.30	No Charge	<b>October 25, 2024</b> [RJP Biller] Review defense filings in removed cases (supplements to dockets, notices of status conferences); review pertinent rules re same 0.30	No Charge
<b>October 25, 2024</b> [PAS Biller] Revise and finalize remand papers in Wicker, Carter-Floyd, Evans, and Russell-Washington 5.20 Hrs	\$5,174.00	<b>October 25, 2024</b> [PAS Biller] Revise and finalize remand papers in Wicker, Carter-Floyd, Evans, and Russell-Washington 5.20 Hrs	\$5,174.00	<b>October 25, 2024</b> [PAS Biller] Revise and finalize remand papers in Wicker, Carter-Floyd, Evans, and Russell-Washington 5.20 Hrs	\$5,174.00
<b>October 26, 2024</b> [RJP Biller] Finalize and file remand motions in Evans and Russell-Washington 1.00 Hrs	\$995.00	<b>October 26, 2024</b> [RJP Biller] Finalize and file remand motions in Evans and Russell-Washington 1.00 Hrs	\$995.00	<b>October 26, 2024</b> [RJP Biller] Finalize and file remand motions in Evans and Russell-Washington 1.00 Hrs	\$995.00
<b>October 28, 2024</b> [PAS Biller] Prepare Portis motion to remand 1.10 Hrs	\$1,094.50	<b>October 28, 2024</b> [PAS Biller] Prepare Portis motion to remand 1.10 Hrs	\$1,094.50	<b>October 28, 2024</b> [PAS Biller] Prepare Portis motion to remand 1.10 Hrs	\$1,094.50
<b>October 28, 2024</b> [RJP Biller] Prepare and file Orrick remand motion supplement (Debtors' motion to dismiss) 1.50 Hrs	\$497.50	<b>October 28, 2024</b> [RJP Biller] Prepare and file Orrick remand motion supplement (Debtors' motion to dismiss) 1.50 Hrs	\$497.50	<b>October 28, 2024</b> [RJP Biller] Prepare and file Orrick remand motion supplement (Debtors' motion to dismiss) 1.50 Hrs	\$497.50

<b>October 29, 2024</b> [PAS Biller] Prepare and revise motions to remand in Portis and Knestrict 1.50 Hrs	\$1,492.50	<b>October 29, 2024</b> [PAS Biller] Prepare and revise motions to remand in Portis and Knestrict 1.50 Hrs	\$1,492.50	<b>October 29, 2024</b> [PAS Biller] Prepare and revise motions to remand in Portis and Knestrict 1.50 Hrs	\$1,492.50
<b>October 30, 2024</b> [PAS Biller] Confer and correspond with state court counsel and R. Pfister re status conferences in removed matters 0.20 Hrs	No Charge	<b>October 30, 2024</b> [PAS Biller] Confer and correspond with state court counsel and R. Pfister re status conferences in removed matters 0.20 Hrs	No Charge	<b>October 30, 2024</b> [PAS Biller] Confer and correspond with state court counsel and R. Pfister re status conferences in removed matters 0.20 Hrs	No Charge
<b>October 30, 2024</b> [PAS Biller] Analyze status conference orders entered by Judge Kaufman in removed matters and prepare for meet-and-confer negotiations with defense counsel re same (0.6); revise and finalize Knestrict remand papers (1.0) 1.60 Hrs	\$1,592.00	<b>October 30, 2024</b> [PAS Biller] Analyze status conference orders entered by Judge Kaufman in removed matters and prepare for meet-and-confer negotiations with defense counsel re same (0.6); revise and finalize Knestrict remand papers (1.0) 1.60 Hrs	\$1,592.00	<b>October 30, 2024</b> [PAS Biller] Analyze status conference orders entered by Judge Kaufman in removed matters and prepare for meet-and-confer negotiations with defense counsel re same (0.6); revise and finalize Knestrict remand papers (1.0) 1.60 Hrs	\$1,592.00
<b>November 2, 2024</b> [RJP Biller] Revise, finalize, and file Portis (C.D. Cal.) remand motion and supporting papers 1.30 Hrs	\$1,293.50	<b>November 2, 2024</b> [RJP Biller] Revise, finalize, and file Portis (C.D. Cal.) remand motion and supporting papers 1.30 Hrs	\$1,293.50	<b>November 2, 2024</b> [RJP Biller] Revise, finalize, and file Portis (C.D. Cal.) remand motion and supporting papers 1.30 Hrs	\$1,293.50

<b>November 2, 2024</b> [RJP Biller] Review status conference continuance and PHV papers; Coordinate with P. Saso re same 0.20 Hrs	No Charge	<b>November 2, 2024</b> [RJP Biller] Review status conference continuance and PHV papers; Coordinate with P. Saso re same 0.20 Hrs	No Charge	<b>November 2, 2024</b> [RJP Biller] Review status conference continuance and PHV papers; Coordinate with P. Saso re same 0.20 Hrs	No Charge
<b>November 3, 2024</b> [PAS Biller] Coordinate with R. Pfister re remand motions and next steps 0.10 Hrs	No Charge	<b>November 3, 2024</b> [PAS Biller] Coordinate with R. Pfister re remand motions and next steps 0.10 Hrs	No Charge	<b>November 3, 2024</b> [PAS Biller] Coordinate with R. Pfister re remand motions and next steps 0.10 Hrs	No Charge
<b>November 3, 2024</b> [RJP Biller] Exchange correspondence re remand motions 0.10 Hrs	No Charge	<b>November 3, 2024</b> [RJP Biller] Exchange correspondence re remand motions 0.10 Hrs	No Charge	<b>November 3, 2024</b> [RJP Biller] Exchange correspondence re remand motions 0.10 Hrs	No Charge
<b>November 4, 2024</b> [PAS Biller] Confer and correspond with R. Pfister re remand motions, status conferences, and timing; Attention to PHV matters 0.50 Hrs	No Charge	<b>November 4, 2024</b> [PAS Biller] Confer and correspond with R. Pfister re remand motions, status conferences, and timing; Attention to PHV matters 0.50 Hrs	No Charge	<b>November 4, 2024</b> [PAS Biller] Confer and correspond with R. Pfister re remand motions, status conferences, and timing; Attention to PHV matters 0.50 Hrs	No Charge
<b>November 4, 2024</b> [RJP Biller] Coordinate service of remand motions and review as-docketed versions of same; Exchange correspondence with P. Saso 1 Hrs	No Charge	<b>November 4, 2024</b> [RJP Biller] Coordinate service of remand motions and review as-docketed versions of same; Exchange correspondence with P. Saso 1 Hrs	No Charge	<b>November 4, 2024</b> [RJP Biller] Coordinate service of remand motions and review as-docketed versions of same; Exchange correspondence with P. Saso 1 Hrs	No Charge

<b>November 19, 2024</b> [RJP Biller] Analyze transcript of Orrick remand hearing and prepare notes for forthcoming E.D. Cal. remand replies (Russell, Evans, Knestrict) 0.70 Hrs	\$696.50	<b>November 19, 2024</b> [RJP Biller] Analyze transcript of Orrick remand hearing and prepare notes for forthcoming E.D. Cal. remand replies (Russell, Evans, Knestrict) 0.70 Hrs	\$696.50	<b>November 19, 2024</b> [RJP Biller] Analyze transcript of Orrick remand hearing and prepare notes for forthcoming E.D. Cal. remand replies (Russell, Evans, Knestrict) 0.70 Hrs	\$696.50
<b>November 21, 2024</b> [RJP Biller] Preliminary review of Evans and Russell opposition papers 0.40 Hrs	\$398.00	<b>November 21, 2024</b> [RJP Biller] Preliminary review of Evans and Russell opposition papers 0.40 Hrs	\$398.00	<b>November 21, 2024</b> [RJP Biller] Preliminary review of Evans and Russell opposition papers 0.40 Hrs	\$398.00
<b>November 21, 2024</b> [PAS Biller] Analyze opposition papers re Russell and Evans remand motions; Prepare notes re reply points and research issues re same 2.20 Hrs	\$2,189.00	<b>November 21, 2024</b> [PAS Biller] Analyze opposition papers re Russell and Evans remand motions; Prepare notes re reply points and research issues re same 2.20 Hrs	\$2,189.00	<b>November 21, 2024</b> [PAS Biller] Analyze opposition papers re Russell and Evans remand motions; Prepare notes re reply points and research issues re same 2.20 Hrs	\$2,189.00
<b>November 22, 2024</b> [PAS Biller] Video conference with R. Pfister re upcoming remand motion replies, hearings, and timing 0.80 Hrs	No Charge	<b>November 22, 2024</b> [PAS Biller] Video conference with R. Pfister re upcoming remand motion replies, hearings, and timing 0.80 Hrs	No Charge	<b>November 22, 2024</b> [PAS Biller] Video conference with R. Pfister re upcoming remand motion replies, hearings, and timing 0.80 Hrs	No Charge

<b>November 22, 2024</b> [RJP Biller] Video conference with P. Saso re motions to remand and abstention issues 0.80 Hrs	\$796.00	<b>November 22, 2024</b> [RJP Biller] Video conference with P. Saso re motions to remand and abstention issues 0.80 Hrs	\$796.00	<b>November 22, 2024</b> [RJP Biller] Video conference with P. Saso re motions to remand and abstention issues 0.80 Hrs	\$796.00
<b>November 22, 2024</b> [RJP Biller] Analyze Evans, Russell, and Knestrict opposition papers; Prepare client correspondence re same; outline reply points 1.50 Hrs	\$1,492.50	<b>November 22, 2024</b> [RJP Biller] Analyze Evans, Russell, and Knestrict opposition papers; Prepare client correspondence re same; outline reply points 1.50 Hrs	\$1,492.50	<b>November 22, 2024</b> [RJP Biller] Analyze Evans, Russell, and Knestrict opposition papers; Prepare client correspondence re same; outline reply points 1.50 Hrs	\$1,492.50
<b>November 23, 2024</b> [PAS Biller] Analyze Knestrict opposition papers; prepare notes and research issues re reply brief 0.90 Hrs	\$895.50	<b>November 23, 2024</b> [PAS Biller] Analyze Knestrict opposition papers; prepare notes and research issues re reply brief 0.90 Hrs	\$895.50	<b>November 23, 2024</b> [PAS Biller] Analyze Knestrict opposition papers; prepare notes and research issues re reply brief 0.90 Hrs	\$895.50
<b>November 25, 2024</b> [PAS Biller] Prepare portions of Evans, Russell, and Knestrict replies addressing Orrick ruling and implications thereof (3.2); follow-up research and analysis re abstention factors (0.7); analyze Holben (non-AHG) remand briefing (0.2) 4.10 Hrs	\$4,079.50	<b>November 25, 2024</b> [PAS Biller] Prepare portions of Evans, Russell, and Knestrict replies addressing Orrick ruling and implications thereof (3.2); follow-up research and analysis re abstention factors (0.7); analyze Holben (non-AHG) remand briefing (0.2) 4.10 Hrs	\$4,079.50	<b>November 25, 2024</b> [PAS Biller] Prepare portions of Evans, Russell, and Knestrict replies addressing Orrick ruling and implications thereof (3.2); follow-up research and analysis re abstention factors (0.7); analyze Holben (non-AHG) remand briefing (0.2) 4.10 Hrs	\$4,079.50

<b>November 26, 2024</b> [PAS Biller] Coordinate with R. Pfister re Evans, Russell, and Knestrict replies 0.40 Hrs	No Charge	<b>November 26, 2024</b> [PAS Biller] Coordinate with R. Pfister re Evans, Russell, and Knestrict replies 0.40 Hrs	No Charge	<b>November 26, 2024</b> [PAS Biller] Coordinate with R. Pfister re Evans, Russell, and Knestrict replies 0.40 Hrs	No Charge
<b>November 26, 2024</b> [RJP Biller] Prepare Evans, Russell, and Knestrict reply briefs 8.50 Hrs	\$8,457.50	<b>November 26, 2024</b> [RJP Biller] Prepare Evans, Russell, and Knestrict reply briefs 8.50 Hrs	\$8,457.50	<b>November 26, 2024</b> [RJP Biller] Prepare Evans, Russell, and Knestrict reply briefs 8.50 Hrs	\$8,457.50
<b>November 27, 2024</b> [PAS Biller] Revise Evans, Knestrict, and Russell remand reply papers, including follow-up research points 2.40 Hrs	\$2,388.00	<b>November 27, 2024</b> [PAS Biller] Revise Evans, Knestrict, and Russell remand reply papers, including follow-up research points 2.40 Hrs	\$2,388.00	<b>November 27, 2024</b> [PAS Biller] Revise Evans, Knestrict, and Russell remand reply papers, including follow-up research points 2.40 Hrs	\$2,388.00
<b>November 27, 2024</b> [RJP Biller] Revise and finalize Evans, Russell, and Knestrict reply briefs 6.50 Hrs	\$6,467.50	<b>November 27, 2024</b> [RJP Biller] Revise and finalize Evans, Russell, and Knestrict reply briefs 6.50 Hrs	\$6,467.50	<b>November 27, 2024</b> [RJP Biller] Revise and finalize Evans, Russell, and Knestrict reply briefs 6.50 Hrs	\$6,467.50
<b>November 28, 2024</b> [PAS Biller] Finalize E.D. Cal. reply papers, with R. Pfister 1.00 Hrs	No Charge	<b>November 28, 2024</b> [PAS Biller] Finalize E.D. Cal. reply papers, with R. Pfister 1.00 Hrs	No Charge	<b>November 28, 2024</b> [PAS Biller] Finalize E.D. Cal. reply papers, with R. Pfister 1.00 Hrs	No Charge
<b>November 28, 2024</b> [RJP Biller] Finalize and file E.D. Cal. reply briefs 1.50 Hrs	\$1,492.50	<b>November 28, 2024</b> [RJP Biller] Finalize and file E.D. Cal. reply briefs 1.50 Hrs	\$1,492.50	<b>November 28, 2024</b> [RJP Biller] Finalize and file E.D. Cal. reply briefs 1.50 Hrs	\$1,492.50

<b>December 2, 2024</b> [RJP Biller] Coordinate with E.D. Cal. Clerk re remand reply papers in Russell, Evans, and Knestrict; Review final, as-docketed papers; prepare and file errata 0.80 Hrs	No Charge	<b>December 2, 2024</b> [RJP Biller] Coordinate with E.D. Cal. Clerk re remand reply papers in Russell, Evans, and Knestrict; Review final, as-docketed papers; prepare and file errata 0.80 Hrs	No Charge	<b>December 2, 2024</b> [RJP Biller] Coordinate with E.D. Cal. Clerk re remand reply papers in Russell, Evans, and Knestrict; Review final, as-docketed papers; prepare and file errata 0.80 Hrs	No Charge
<b>December 4, 2024</b> [PAS Biller] Analyze tentative rulings on Evans, Knestrict, and Russell-Washington remand motions; Exchange correspondence with R. Pfister re hearing preparation and strategy 0.50 Hrs	\$497.50	<b>December 4, 2024</b> [PAS Biller] Analyze tentative rulings on Evans, Knestrict, and Russell-Washington remand motions; Exchange correspondence with R. Pfister re hearing preparation and strategy 0.50 Hrs	\$497.50	<b>December 4, 2024</b> [PAS Biller] Analyze tentative rulings on Evans, Knestrict, and Russell-Washington remand motions; Exchange correspondence with R. Pfister re hearing preparation and strategy 0.50 Hrs	\$497.50
<b>December 4, 2024</b> [RJP Biller] Analyze tentative rulings granting remand motions in Russell, Evans, and Knestrict; Prepare client update re same and prepare for December 5 hearing 1.50 Hrs	\$1,492.50	<b>December 4, 2024</b> [RJP Biller] Analyze tentative rulings granting remand motions in Russell, Evans, and Knestrict; Prepare client update re same and prepare for December 5 hearing 1.50 Hrs	\$1,492.50	<b>December 4, 2024</b> [RJP Biller] Analyze tentative rulings granting remand motions in Russell, Evans, and Knestrict; Prepare client update re same and prepare for December 5 hearing 1.50 Hrs	\$1,492.50



<b>December 5, 2024</b> [RJP Biller] Appear and argue at hearing on remand motions in Russell, Evans, and Knestrict, including final preparations and follow-up re same; prepare client update re same 1.20 Hrs	\$1,194.00	<b>December 5, 2024</b> [RJP Biller] Appear and argue at hearing on remand motions in Russell, Evans, and Knestrict, including final preparations and follow-up re same; prepare client update re same 1.20 Hrs	\$1,194.00	<b>December 5, 2024</b> [RJP Biller] Appear and argue at hearing on remand motions in Russell, Evans, and Knestrict, including final preparations and follow-up re same; prepare client update re same 1.20 Hrs	\$1,194.00
<b>December 9, 2024</b> [PAS Biller] Review transcripts of E.D. Cal. remand hearings; Exchange correspondence with R. Pfister re same 0.20 Hrs	No Charge	<b>December 9, 2024</b> [PAS Biller] Review transcripts of E.D. Cal. remand hearings; Exchange correspondence with R. Pfister re same 0.20 Hrs	No Charge	<b>December 9, 2024</b> [PAS Biller] Review transcripts of E.D. Cal. remand hearings; Exchange correspondence with R. Pfister re same 0.20 Hrs	No Charge
<b>December 11, 2024</b> [RJP Biller] Exchange correspondence re Orrick post-remand matters and E.D. Cal. orders / civil minutes 0.30 Hrs	No Charge	<b>December 11, 2024</b> [RJP Biller] Exchange correspondence re Orrick post-remand matters and E.D. Cal. orders / civil minutes 0.30 Hrs	No Charge	<b>December 11, 2024</b> [RJP Biller] Exchange correspondence re Orrick post-remand matters and E.D. Cal. orders / civil minutes 0.30 Hrs	No Charge
<b>December 12, 2024</b> [PAS Biller] Telephone conference with Judge Sargis's deputy re civil minutes and orders in Russell, Evans, and Knestrict; exchange correspondence with R. Pfister re same and next steps 0.20 Hrs	\$199.00	<b>December 12, 2024</b> [PAS Biller] Telephone conference with Judge Sargis's deputy re civil minutes and orders in Russell, Evans, and Knestrict; exchange correspondence with R. Pfister re same and next steps 0.20 Hrs	\$199.00	<b>December 12, 2024</b> [PAS Biller] Telephone conference with Judge Sargis's deputy re civil minutes and orders in Russell, Evans, and Knestrict; exchange correspondence with R. Pfister re same and next steps 0.20 Hrs	\$199.00

<b>December 12, 2024</b> [RJP Biller] Coordinate with P. Saso re inquiry to Judge Sargis's courtroom deputy re Russell-Washington, Evans, and Knestrict civil minutes and orders 0.20 Hrs	No Charge	<b>December 12, 2024</b> [RJP Biller] Coordinate with P. Saso re inquiry to Judge Sargis's courtroom deputy re Russell-Washington, Evans, and Knestrict civil minutes and orders 0.20 Hrs	No Charge	<b>December 12, 2024</b> [RJP Biller] Coordinate with P. Saso re inquiry to Judge Sargis's courtroom deputy re Russell-Washington, Evans, and Knestrict civil minutes and orders 0.20 Hrs	No Charge
<b>January 17, 2025</b> [RJP Biller] Confer with P. Saso re status of civil minutes / remand orders in Evans, Knestrict, and Russell 0.10 Hrs	No Charge	<b>January 17, 2025</b> [RJP Biller] Confer with P. Saso re status of civil minutes / remand orders in Evans, Knestrict, and Russell 0.10 Hrs	No Charge	<b>January 17, 2025</b> [RJP Biller] Confer with P. Saso re status of civil minutes / remand orders in Evans, Knestrict, and Russell 0.10 Hrs	No Charge
<b>January 21, 2025</b> [RJP Biller] Review continuance orders in Russell, Evans, and Knestrict; Exchange correspondence with P. Saso re same 0.10 Hrs	No Charge	<b>January 21, 2025</b> [RJP Biller] Review continuance orders in Russell, Evans, and Knestrict; Exchange correspondence with P. Saso re same 0.10 Hrs	No Charge	<b>January 21, 2025</b> [RJP Biller] Review continuance orders in Russell, Evans, and Knestrict; Exchange correspondence with P. Saso re same 0.10 Hrs	No Charge
<b>January 29, 2025</b> [RJP Biller] Review civil minutes re Russell, Evans, and Knestrict continuances; Exchange correspondence with P. Saso re notice of subsequent developments / authority 0.20 Hrs	\$199.00	<b>January 29, 2025</b> [RJP Biller] Review civil minutes re Russell, Evans, and Knestrict continuances; Exchange correspondence with P. Saso re notice of subsequent developments / authority 0.20 Hrs	\$199.00	<b>January 29, 2025</b> [RJP Biller] Review civil minutes re Russell, Evans, and Knestrict continuances; Exchange correspondence with P. Saso re notice of subsequent developments / authority 0.20 Hrs	\$199.00

<b>January 29, 2025</b> [RJP Biller] Prepare and file notice of subsequent developments / authority in Russell, Evans, and Knestrick 1.00 Hrs	\$995.00	<b>January 29, 2025</b> [RJP Biller] Prepare and file notice of subsequent developments / authority in Russell, Evans, and Knestrick 1.00 Hrs	\$995.00	<b>January 29, 2025</b> [RJP Biller] Prepare and file notice of subsequent developments / authority in Russell, Evans, and Knestrick 1.00 Hrs	\$995.00
Total Fees From Billing Records	\$100,596.50		\$100,586.50		\$100,596.50

The court finds it not credible or believable that the billing records for the reasonable fees and costs in having to bring the Motions to Remind in the three Adversary Proceeds total \$100,596.50. These are unreliable billing records.

In the *Russell* Adversary Proceeding, the following Motion to Remand Pleadings were filed by Plaintiff:

- A. Motion to Remand, three (3) pages in length. 24-2188; Dckt. 11. The Motions to Remand in these three adversary proceedings are identical (other than the names of the plaintiffs).
- B. Memorandum of Points and Authorities, ten (10) pages in length. *Id.*; Dckt. 13. The Points and Authorities in these three adversary proceedings are identical (other than the names of the plaintiffs).
- C. Declaration of Justin Ward, three (3) pages in length, with a copy of the State Court Complaint attached. *Id.*; Dckt. 14. These three Declarations by the State Court Counsel are substantially identical.
- D. Declaration of Robert Pfister, seven (7) pages in length with 96 pages of exhibits attached. *Id.*; Dckt. 15. The seven (7) pages of declaration are identical and the 96 pages of exhibits appear to be identical.
- E. Reply Brief, nine (9) pages in length. *Id.*; Dckt. 17.

In the *Evans* Adversary Proceeding, the following Motion to Remand Pleadings were filed by Plaintiff:

- a. Motion to Remand, three (3) pages in length. 24-2193; Dckt. 13. The Motions to Remand in these three adversary proceedings are identical (other than the names of the plaintiffs).

- b. Memorandum of Points and Authorities, ten (10) pages in length. *Id.*; Dckt. 18. The Points and Authorities in these three adversary proceedings are identical (other than the names of the plaintiffs).
- c. Declaration of Christopher Buckley, three (3) pages in length with the State Court Judgement attached. *Id.*; Dckt. 16. These three Declarations by the State Court Counsel are substantially identical.
- d. Declaration of Robert Pfister, seven (7) pages in length with 96 pages of exhibits attached. *Id.*; Dckt. 17. The seven (7) pages of declaration are identical and the 96 pages of exhibits appear to be identical.
- e. Reply Brief, ten (10) pages in length. *Id.*; Dckt. 17. (It appears that there may be a formatting difference between the this Reply Brief and the one in *Evans* which tweaks the page breaks.)

In the *Knestrict* Adversary Proceeding, the following Motion to Remand Pleadings were filed by Plaintiff:

- A. Motion to Remand; three (3) pages in length. 24-2193; Dckt. 13. The Motions to Remand in these three adversary proceedings are identical (other than the names of the plaintiffs).
- B. Memorandum of Points and Authorities, ten (10) pages in length. *Id.*; Dckt. 16. The Points and Authorities in these three adversary proceedings are identical (other than the names of the plaintiffs).
- C. Declaration of Edward Dudensing, three (3) pages in length with the State Court Judgement attached. *Id.*; Dckt. 17. These three Declarations by the State Court Counsel are substantially identical.
- D. Declaration of Robert Pfister, seven (7) pages in length with 96 pages of exhibits attached. *Id.*; Dckt. 15. The seven (7) pages of declaration are identical and the 96 pages of exhibits appear to be identical.
- E. Reply Brief, ten (10) pages in length. *Id.*; Dckt. 22. (It appears that there may be a formatting difference between the this Reply Brief and the one in *Evans* which tweaks the page breaks.)

It appears that Plaintiff's counsel has been able to effectively reduce the cost to his Plaintiff clients by having very limited, to the point pleadings which are almost identical in the three Adversary Proceedings.

While the oppositions presented by the Defendant are without merit on the question of awarding **reasonable** attorney's fees and costs, actually incurred in preparing the Motion to Remand each of the Adversary Proceedings, the respective Plaintiffs have not provided the court with evidence of what the

actual, reasonable legal services provided were and the reasonable fees that go with such reasonable and necessary legal services.

It appears that Plaintiff in this Adversary Proceeding, is trying to duplicate bill for work done on other plaintiff's cases.

In looking at the actual work done, and assuming a reasonable hourly rate, \$5,000 to \$6,000 for the Motion pleadings and oral argument. The court appreciates that Plaintiff's counsel may work on matters for with a \$950+ per hour rate will be more than reasonable, handing a "simple" motion to remand when the removal violates not only the express terms of the Confirmed Chapter 11 Plan and the plain language of the Bankruptcy jurisdictional statutes and what the bankruptcy judges and court may adjudicate and what is prohibited (such as determination of Personal Injury and Wrongful Death Claims and litigation.

At the hearing, **XXXXXXX**

The court shall issue an order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion for an Award of Attorney's Fees filed by Donald Knestrict by and through his successor-in-interest Katherine Felkins and Katherine Felkings, individually ("Plaintiffs"), having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Motion is **XXXXXXX**.