

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Kendra McKenzie v. Homero Nino Munoz

McKenzie · No. 2:25-cv-02170-NJK · Decided December 3, 2025

SUMMARY

The United States District Court for the District of Nevada grants Plaintiff Kendra McKenzie’s unopposed motion to remand under the local defendant rule, 28 U.S.C. § 1441(b)(2), and remands the case to Nevada state court. The Court also finds Plaintiff entitled to attorney’s fees under 28 U.S.C. § 1447(c), subject to substantiation of the amount by motion if the parties do not agree.

CASE DETAILS

COURT	United States District Court for the District of Nevada
WRITING FOR THE COURT	Nancy J. K
JURISDICTION	United States District Court for the District of Nevada
DECIDED	December 3, 2025
DOCKET	2:25-cv-02170-NJK
DISPOSITION	remanded
PROCEDURAL POSTURE	Plaintiff moved to remand the removed action based on the local defendant rule and requested attorney's fees under 28 U.S.C. § 1447(c). Defendant did not oppose remand but opposed awarding fees on the ground that Plaintiff had not substantiated the amount.
PRECEDENTIAL VALUE	Unpublished, nonprecedential district court order

TOPICS

- attorney fees
- civil procedure
- remedies

PRACTICE AREAS

- Civil procedure
- Removal and remand
- Attorney's fees

QUESTIONS PRESENTED

1. Whether the action should be remanded because removal violated the local defendant rule under 28 U.S.C. § 1441(b)(2).

2. Whether Plaintiff was entitled to attorney's fees under 28 U.S.C. § 1447(c) despite not having substantiated the amount of fees requested.
3. Whether the court retained jurisdiction to resolve the attorney's-fee dispute after remanding the action.

HOLDINGS

1. The motion to remand was granted as unopposed, and the action was remanded to the Eighth Judicial District Court of Nevada.
2. Plaintiff was entitled to recover attorney's fees under 28 U.S.C. § 1447(c); failure to substantiate the amount was not a basis to deny the fee request outright. The amount remained subject to substantiation.
3. The court retained jurisdiction over the attorney's-fee dispute notwithstanding remand.

KEY QUOTATIONS

“The request for fees will be granted subject to Plaintiff substantiating the amount of fees to be awarded.” (at 1)

“Plaintiff's request for attorney's fees is GRANTED in that the Court finds Plaintiff is entitled to recover fees” (at 2)

FACTUAL BACKGROUND

Defendant removed the action to federal court, and Plaintiff contended that removal violated the local defendant rule under 28 U.S.C. § 1441(b)(2). Defendant did not oppose Plaintiff's motion to remand. Plaintiff also sought attorney's fees under 28 U.S.C. § 1447(c), while Defendant challenged only the lack of substantiation of the requested amount.

PROCEDURAL HISTORY

The action was removed from the Eighth Judicial District Court of Nevada to the United States District Court for the District of Nevada. Plaintiff moved to remand, and Defendant filed a response stating no opposition to remand. The federal court granted remand, awarded Plaintiff entitlement to attorney's fees subject to substantiation, directed Plaintiff to file a fee-calculation motion if the parties could not agree, and ordered the federal case closed.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The action was remanded to the Eighth Judicial District Court of Nevada, Case No. A-25-928126-C, Department 10. Plaintiff was entitled to attorney's fees; if the parties did not agree on the amount, Plaintiff was required to file a motion to calculate fees by December 17, 2025, including all information necessary to calculate the award. The Clerk was instructed to close the federal case.

CASES CITED

- Fischer v. SJB-P.D., Inc., 214 F.3d 1115, 1121 (9th Cir. 2000)
- Nan Hanks & Assocs. v. Original Footwear Co., 2018 WL 3155247, at *6 (E.D. Cal. June 26, 2018)
- Moore v. Permanente Med. Grp., Inc., 981 F.2d 443, 445 (9th Cir. 1992)

OPINION

McKenzie

PER CURIAM.

1 2

UNITED STATES DISTRICT COURT

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DISTRICT OF NEVADA

4 5 Kendra McKenzie, Case No. 2:25-cv-02170-NJK1 6 Plaintiff(s),

ORDER

7 v. [Docket No. 15] 8 Homero Nino Munoz, 9 Defendant(s). 10 Pending before the Court is Plaintiff's motion to remand, arguing that removal ran afoul of 11 the local defendant rule. See Docket No. 15 (discussing 28 U.S.C. § 1441(b)(2)). Defendant filed 12 a response that does not oppose remand. See Docket No. 16. The motion to remand will be granted 13 as unopposed. See Local Rule 7-2(d). 14 Plaintiff's motion seeks an award of attorney's fees pursuant to 28 U.S.C. § 1447(c). See 15 Docket No. 15 at 3. Defendant does not argue that the circumstances of removal do not trigger

16 Section 1447(c). Instead, Defendant argues that Plaintiff should be denied fees for failing to 17 substantiate the amount to be awarded. See Docket No. 16 at 3. The Court is not persuaded that 18 the failure to substantiate the amount of fees is a basis to deny outrightly the fee request. See 19 Fischer v. SJB-P.D., Inc., 214 F.3d 1115, 1121 (9th Cir. 2000); see also, e.g., Nan Hanks & Assocs. 20 v. Original Footwear Co., 2018 WL 3155247, at *6 (E.D. Cal. June 26, 2018). The request for 21 fees will be granted subject to Plaintiff substantiating the amount of fees to be awarded.2,3 22 23 24 1 This case is proceeding before the undersigned magistrate judge as part of the opt-out 25 consent program. See Docket Nos. 6-7; see also Gen. Order 2023-11. 26 2 Particularly given that the recoverable fees are likely to be low, it may make sense for all involved for the parties to agree among themselves to a fee amount without further motion practice. 27 3 Although the case is being remanded, the Court retains jurisdiction over the fee dispute. 28 See, e.g., Moore v. Permanente Med. Grp., Inc., 981 F.2d 443, 445 (9th Cir. 1992).] Accordingly, the Court ORDERS as follows: 2 Plaintiffs motion to remand is GRANTED. The case is hereby REMANDED to the 3] Eighth Judicial District Court, Case No. A-25-928126-C, Department 10. The Clerk's Office is 4] instructed to CLOSE this case. 5 Plaintiff's request for attorney's fees is GRANTED in that the Court finds Plaintiff is 6] entitled to recover fees If the parties do not come to an agreement among themselves as to the 7|| amount of fees, Plaintiff must file a motion to calculate fees by December

17, 2025. Such motion 8|| must include all required information to calculate fees. 9 IT IS SO
ORDERED. 10 Dated: December 3, 2025 Nancy J. K 12 United States Magistrate Judge 13 14 15
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