

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

OPINION

McKenzie

PER CURIAM.

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UNITED STATES DISTRICT COURT

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DISTRICT OF NEVADA

4 5 Kendra McKenzie, Case No. 2:25-cv-02170-NJK 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 16 17 18 19 20 21 22 23 24 25 26 27 28