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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 EVERETT HOGGE and PRISCILLA
12 HOGGE,

13 Plaintiffs,

14 vs.

15 A.W. CHESTERTON COMPANY, *et al*,

16 Defendants.

) Case No.: C07 2873 MJJ

) **NOTICE OF MOTION AND MOTION**
) **FOR COSTS AND EXPENSES**
) **INCURRED AS A RESULT OF**
) **REMOVAL**

) [28 U.S.C. § 1447(c); ND CA Local Rules 7-2 & 7-8]

) Hearing Date: July 24, 2007
) Time: 9:30 a.m.
) Courtroom: 11, 19th Floor
) Judge: Hon. Martin J. Jenkins

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20 To the HONORABLE COURT AND TO ALL DEFENDANTS AND THEIR
21 ATTORNEYS OF RECORD HEREIN:

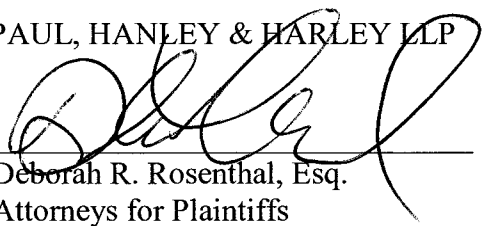
22 PLEASE TAKE NOTICE THAT, on July 24, 2007, at 9:30 a.m., in Courtroom 11 on the
23 19th Floor of the United States District Court for the Northern District of California, located at
24 450 Golden Gate Avenue, San Francisco, California, before the Honorable Martin J. Jenkins,
25 plaintiffs will and hereby do move this Court for an order requiring payment of \$27,244.46 in
26 just costs and actual expenses, including attorney fees, incurred as a result of the removal by
27 JOHN CRANE INC. of this case from the Superior Court of the State of California, County of

1 San Francisco. This motion is made on the grounds that defendant JOHN CRANE, INC.'s
2 Notice of Removal, filed and served on June 1, 2007, failed to establish subject matter
3 jurisdiction because complete diversity did not exist at the time of removal and California
4 defendants remained in the action; and on the further grounds that a defect in the removal
5 procedure existed because JOHN CRANE INC. failed to obtain unanimous joinder in the
6 removal of all remaining defendants; and that for these reasons, JOHN CRANE INC. had no
7 objectively reasonable basis for removal. This motion is made on the further grounds that JOHN
8 CRANE's removal in June 1, 2007, despite a lack of subject matter jurisdiction, in the middle of
9 a personal injury trial of a dying plaintiff, constitutes unusual circumstances warranting an award
10 of reasonable expenses incurred.

11 The motion is based on this Notice of Motion and the accompanying Memorandum of
12 Points and Authorities; the Declarations of Dean A. Hanley, Philip A. Harley, Stephen J. Healy,
13 Diana M. Sage, Deborah R. Rosenthal, and Mark Abelson and attached exhibits to the
14 declarations; on all papers previously filed for hearing before Magistrate Judge Elizabeth D.
15 Laporte, Duty Judge Charles R. Breyer, and United States District Court Judge Martin J. Jenkins
16 with regard to JOHN CRANE's removal petition; and on all evidence and argument that may be
17 presented at the hearing of this motion.

18 DATED: June 19, 2007

PAUL, HANLEY & HARLEY LLP


Deborah R. Rosenthal, Esq.
Attorneys for Plaintiffs