

JUDGMENT

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED
CLERK, U.S. DISTRICT COURT
JUL 1 2002
CENTRAL DISTRICT OF CALIFORNIA
BY DEPUTY

NO. 01-55830
CT/AG#: CV-01-01345-CBM

KAREN MARSHALL, as Trustee of the AMG Trust, an Irish
Resident Trust

Plaintiff - Appellee

v.

FREDERICK M. NICHOLAS, an individual

Defendant

LODGED
CLERK, U.S. DISTRICT COURT
JUL - 1 2002
CENTRAL DISTRICT OF CALIFORNIA
DEPUTY

and

HIGHRIDGE GROUP HOLDINGS, LLC, a Delaware limited liability
company; HR/AMG HOTEL GROUP LLC, a Delaware limited
liability company; HIGHRIDGE ASSET MANAGEMENT LLC, a
Delaware limited liability company; HIGHRIDGE FRENCH
INVESTORS LLC, a Delaware limited liability company;
HIGHRIDGE MANAGEMENT, INC., a California corporation

Defendants - Appellants

Priority _____
Send _____
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Closed _____
JS-5/JS-6 _____
JS-2/JS-3 _____
Scan Only _____

APPEAL FROM the United States District Court for the
Central District of California, Los Angeles.

THIS CAUSE came on to be heard on the Transcript of the
Record from the United States District Court for the
Central District of California, Los Angeles and was duly submitted.

Docketed
 Copies / NTC Sent
 JS - 5 / JS - 6
 JS - 2 / JS - 3
 CLSD

ENTERED ON ICMS
JUL - 2 2002
CV

28

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court, that the judgment of the said District Court in this cause be, and hereby is VACATED.

Filed and entered: 05/31/02

A TRUE COPY
CATHY A. CATTERSON
Clerk of Court
ATTEST
JUN 24 2002
by: *Sylvia McPhee*
Deputy Clerk

6/21

FILED

MAY 31 2002

CATHY A. CATTERSON, CLERK
U. S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

KAREN MARSHALL, as Trustee of the
AMG Trust, an Irish Resident Trust,

Plaintiff - Appellee,

v.

FREDERICK M. NICHOLAS, an individual,

Defendant,

and

HIGHRIDGE GROUP HOLDINGS, LLC, a
Delaware limited liability company;
HR/AMG HOTEL GROUP LLC, a Delaware
limited liability company; HIGHRIDGE
ASSET MANAGEMENT LLC, a Delaware
limited liability company; HIGHRIDGE
FRENCH INVESTORS LLC, a Delaware
limited liability company; HIGHRIDGE
MANAGEMENT, INC., a California
corporation,

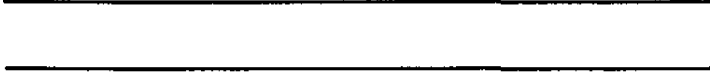
Defendants - Appellants.

No. 01-55830

D.C. No. CV-01-01345-CBM

ORDER*

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as may be provided by Ninth Circuit Rule 36-3.



Appeal from the United States District Court
for the Central District of California
Consuelo B. Marshall, District Judge, Presiding

Submitted April 3, 2002**
Pasadena, California

Before: PREGERSON, TROTT and FITZGERALD***, Circuit Judges

Highridge appeals an award of \$5,000 in attorneys' fees to AMG Trust, asserting that The Convention on the Recognition and Enforcement of Foreign Arbitral Awards, implemented by 9 U.S.C. §§ 201-208, governs the parties' dispute, and thus constituted a proper basis for removal. We agree.¹ The district court clearly erred by remanding this case for lack of federal subject matter jurisdiction, and therefore abused its discretion in awarding fees under 28 U.S.C. § 1447(c) for improper removal. The award of attorneys' fees is VACATED.

A TRUE COPY
CATHY A. CATTERSON
Clerk of Court
ATTEST
JUN 24 2002
Cathy A. Catterson
Clerk

** This panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

*** The Honorable James M. Fitzgerald, Senior District Judge for the District of Alaska, sitting by designation.

¹ We note that AMG Trust made no appearance at oral argument.

INTERNAL USE ONLY: Proceedings include all events.
01-55830 Marshall v. Highridge Group, et al

KAREN MARSHALL, as Trustee of
the AMG Trust, an Irish
Resident Trust
Plaintiff - Appellee

v.

FREDERICK M. NICHOLAS, an
individual
Defendant

HIGHRIDGE GROUP HOLDINGS, LLC,
a Delaware limited liability
company
Defendant - Appellant

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HR/AMG HOTEL GROUP LLC, a
Delaware limited liability
company
Defendant - Appellant

Edward M. Rosenfeld, Esq.
(See above)
[COR LD NTC ret]

HIGHRIDGE ASSET MANAGEMENT LLC,
a Delaware limited liability
company
Defendant - Appellant

Edward M. Rosenfeld, Esq.
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[COR LD NTC ret]

HIGHRIDGE FRENCH INVESTORS LLC,
a Delaware limited liability
company
Defendant - Appellant

Edward M. Rosenfeld, Esq.
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[COR LD NTC ret]

HIGHRIDGE MANAGEMENT, INC., a
California corporation
Defendant - Appellant

Edward M. Rosenfeld, Esq.
(See above)
[COR LD NTC ret]