UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

JACQUELINE OSWALT,

Plaintiff,

v.

RENARDO BAIRD,

Defendant.

Case No. 26-cv-01285-VC

ORDER GRANTING MOTION TO REMAND

Re: Dkt. No. 11

Oswalt's motion to remand is granted. This order assumes that the reader is familiar with the facts, the applicable legal standards, and the arguments made by the parties.

The "saving to suitors" clause of 28 U.S.C. § 1333(1) preserves plaintiffs' ability to bring in personam maritime claims in state court. *Bartman v. Burrece*, 2014 WL 4096226, at *3-4 (D. Alaska Aug. 18, 2014). Therefore, unless there is some independent basis for removal, the 2011 amendments to 28 U.S.C. § 1441 do not enable defendants to remove cases founded on in personam maritime claims. *Id.*; *Dirkse v. Nu Venture Diving Co.*, 2018 WL 6133683, at *4 (C.D. Cal. May 21, 2018). Because Baird has not established an independent basis for removal here, Oswalt's motion to remand is granted.[1]

Baird had a reasonable basis for removal because the Ninth Circuit has not decided this issue. *See County of San Mateo v. Chevron Corporation*, 32 F.4th 733, 764 n.25 (2022). Oswalt's request for attorneys' fees is therefore denied.

IT IS SO ORDERED.

[1] Oswalt's motion to remand was timely filed. *See* Federal Rule of Civil Procedure 6(a)(1)(C).

Dated: June 22, 2026

VINCE CHHABRIA
United States District Judge