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12 AUSTEN ALLRED

13 **UNITED STATES DISTRICT COURT**  
14 **NORTHERN DISTRICT OF CALIFORNIA**

15 JESSICA FULLER, et al.

16 Plaintiff,

17 vs.

18 BLOOM INSTITUTE OF TECHNOLOGY, et  
19 al.,

20 Defendant.

Case No. 3:23-cv-01440-AGT

**DEFENDANTS' OPPOSITION TO  
PLAINTIFFS' MOTION TO REMAND  
AND FOR FEES AND COSTS**

Date: May 19, 2023  
Time: 10:00 a.m.  
Dept: Courtroom A, 15<sup>th</sup> Floor  
Judge: Magistrate Alex G. Tse

**MEMORANDUM**

1  
2 Out of an abundance of caution, Defendants Bloom Institute of Technology, formerly d/b/a  
3 Lambda School, and Austen Allred (together “Defendants”) file this Opposition to Plaintiffs’ Motion  
4 for Remand filed on April 17, 2023 (Dkt. 17), pending the Court’s decision regarding the parties’  
5 joint stipulation for an order extending time with respect to Defendants’ motions filed on April 12,  
6 2023. (Dkt. 20.) That submission included Plaintiffs’ acknowledgement that their Motion is now  
7 moot. (*Id.*)

8 By way of background, the parties filed a joint stipulation requesting an extension to  
9 Plaintiffs’ time to respond, and accordingly Defendants’ time to file a reply, with respect to  
10 Defendants’ Motion to Compel Arbitration and Stay the Case (Dkt. 10); Defendant Bloom Institute  
11 of Technology’s Motion to Dismiss under 12(b)(6) (Dkt. 11); Defendant Austen Allred’s Motion to  
12 Dismiss under 12(b)(6) and to Strike under 12(f) (Dkt. 12) on April 24, 2023. (Dkt. 20.) In that  
13 submission, Plaintiffs included a footnote that indicated that their Motion for Remand filed on April  
14 17, 2023, is now moot in light of Defendants’ Amended Notice of Removal filed on April 19, 2023,  
15 and stated that “Plaintiffs hereby withdraw their [Motion for Remand].” (Dkts. 17, 19, 20.)

16 Based on Plaintiffs’ statement that their Motion for Remand is now moot, and that they have  
17 withdrawn their Motion, Defendants make this submission to ensure that the Court is aware of why  
18 they are not filing a substantive opposition at this juncture. In the event Plaintiffs’ Motion for  
19 Remand is not ultimately mooted or withdrawn, Defendants reserve the right to oppose the Motion  
20 and do not waive any of their arguments.

21 Dated: April 28, 2023

PILLSBURY WINTHROP SHAW PITTMAN LLP

22  
23 /s/ Patrick Hammon  
24 By: PATRICK HAMMON  
25 ANDREW K. PARKHURST  
26 Attorneys for Defendants,  
27 BLOOM INSTITUTE OF TECHNOLOGY;  
28 AUSTEN ALLRED