

04-1140 MARTIN V. FRANKLIN CAPITAL CORP.

DECISION BELOW: 393 F3d 1143

LOWER COURT CASE NUMBER: 02-2048

QUESTION PRESENTED:

What legal standard governs the decision whether to award fees and expenses under 28 U.S.C. §1447(c) upon remanding a removed case to state court?

CERT. GRANTED 4/25/2005