

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Uptime Systems, LLC,	)	
	)	
Plaintiff,	)	
	)	Case No.: 20-cv-1597 (JRT/ECW)
vs.	)	
	)	<b>PLAINTIFF’S MOTION TO</b>
Kennard Law, P.C.,	)	<b>REMAND AND MOTION FOR</b>
	)	<b>ATTORNEYS’ FEES AND COSTS</b>
Defendant.	)	
	)	

Plaintiff Uptime Systems, LLC (“Uptime”), respectfully moves this Court for an Order granting its Motion to Remand pursuant to 28 U.S.C. § 1447(c), Rule 12(h)(3) of the Federal Rules of Civil Procedure, and corresponding law. Defendant Kennard Law, P.C.’s (“Kennard Law”), removal was untimely pursuant to 28 U.S.C. § 1446(b), federal court lacks jurisdiction pursuant to 28 U.S.C. § 1332(a), Kennard Law’s removal is otherwise defective as Alfonso Kennard, Jr., who signed the Notice of Removal is not licensed to practice law in Minnesota and was suspended from the practice of law in Texas at the time he signed the Notice of Removal, and Kennard Law’s removal to federal court was made in bad faith as further set forth below.

Uptime respectfully moves this Court for an Order granting its Motion for Attorneys’ Fees and Costs pursuant to 28 U.S.C. § 1447(c) and corresponding law. Kennard Law’s Notice of Removal was made in bad faith. Specifically, the Notice of Removal was filed to delay the administration of justice, increase Uptime’s costs and fees, avoid the imposition of sanctions in state court, avoid the entry of default judgment on July 15, 2020 and/or to avoid trial on August 10, 2020, and waste the Court’s time and resources,

consistent with Kennard Law's ongoing pattern of procedural abuse and continued disregard for state and federal rules and statutes, state court orders, and the time and resources of both state and federal courts. There is no feasible argument in support of the position that Kennard Law's removal was objectively reasonable.

These motions are based on the above stated statutes, rules, and corresponding law, legal memoranda, declarations and exhibits filed and served herewith, together with all the files, records, and proceedings herein, and arguments of counsel.

**SANTI CERNY, PLLC**

Dated: August 14, 2020

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