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**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

SUZY DEMPSEY,  
Plaintiff,  
  
vs.  
  
SEARS HOME IMPROVEMENT  
PRODUCTS; SEARS HOLDINGS  
CORPORATION; SEARS; SEARS  
HOLDINGS; MICHAEL FINGER;  
DANIEL IANIELLO; JERRY  
HANOSH AND DOES 1 TO 100,  
and DOES 1 to 100, inclusive,  
  
Defendants.

CASE NO.: CV 15-799-GW(JEMx)  
**The Honorable George H. Wu**  
  
**ORDER GRANTING JOINT  
STIPULATION TO REMAND CASE  
TO STATE COURT**

1 **ORDER**

2 Upon full considerations of the Joint Stipulation to Remand Case to State  
3 Court, and for good cause shown, the Court hereby orders that:

4 1. Defendant SHC is dismissed without prejudice. Plaintiff can bring SHC  
5 back into this Action without any assertion, by defendants, of a statute of  
6 limitations defense or any other defenses applicable to bring SHC back in this  
7 Action.

8 2. Based on the representation by defense counsel that defendants “Sears  
9 Holdings” and “Sears” are not real entities, said entities are dismissed without  
10 prejudice. Plaintiff can bring said entities back into this Action without any  
11 assertion of a statute of limitations defense or any other defenses applicable to bring  
12 such entities back in this Action.

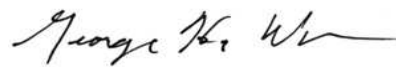
13 3. All the named individual defendants, Michael Finger, Daniel Ianiello, and  
14 Jerry Hanosh, are dismissed with prejudice.

15 4. Defendants have agreed to a remand of the instant Action to state court.  
16 The Clerk of the Court is directed to close this action and remand this case to the  
17 Los Angeles County Superior Court, Central District. Defendants have agreed not  
18 to remove this Action back to federal court once all named individual defendants,  
19 Michael Finger, Daniel Ianiello, and Jerry Hanosh, have been dismissed.

20 5. Each party shall bear their own costs and fees associated with the federal  
21 proceedings. No party shall be deemed the prevailing party.

22 IT IS SO ORDERED.

23 Dated: March 10, 2015



24 \_\_\_\_\_  
25 Honorable George H. Wu  
26 United States District Judge  
27  
28

2  
3 **PROOF OF SERVICE**

4 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

5 I am an employee in the County of Los Angeles, State of California. I am  
6 over the age of 18 and not a party to the within action; my business address is 225  
7 Santa Monica Boulevard, Suite 700, Santa Monica, California 90401.

8 On March 11, 2015, I served the foregoing document, described as  
9 **“[PROPOSED] ORDER GRANTING JOINT STIPULATION TO REMAND**  
10 **CASE TO STATE COURT,”** on all interested parties in this action by placing a  
11 true copy thereof in a sealed envelope, addressed as follows:

12 **Jon G. Miller**  
13 **Muizz K. Rafique**  
14 **LITTLER MENDELSON, P.C.**  
15 **2050 Main Street**  
16 **Suite 900**  
17 **Irvine, CA 92614**  
18 **Facsimile: (949) 721-1201**

19  **(BY NOTICE OF ELECTRONIC FILING)** The above-listed counsel  
20 have consented to electronic serve and have been automatically served by  
21 the Notice of Electronic Filing, which is automatically generated by  
22 CM/ECF at the time said document was filed, and which constitutes service  
23 pursuant to FRCP 5(b)(2)(D).

24  **(FEDERAL)** I declare that I am employed in the office of a member of the  
25 bar of this Court at whose direction the service was made. I declare, under  
26 penalty of perjury under the laws of the United States of America, that the  
27 above is true and correct.

28 Executed on March 11, 2015, at Los Angeles, California.

/s/ Jennifer M. Yang  
Jennifer M. Yang