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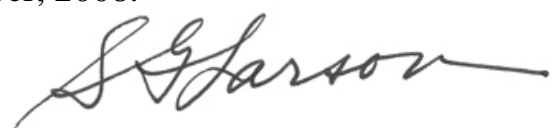
6 Attorneys for Defendant,  
 7 LOWE'S HIW, INC., erroneously sued and served as Lowe's Companies, Inc.

8 UNITED STATES DISTRICT COURT  
 9 CENTRAL DISTRICT OF CALIFORNIA - EASTERN DIVISION

11	VINCENZO BACARELLA,	)	<b>CASE NO. EDCV 08-01385 SGL (CWx)</b>
12	Plaintiff(s),	)	(Riverside County Superior Court Case
13	v.	)	No. RIC490987)
14	LOWE'S COMPANIES, INC., and	)	<b>REMAND ORDER</b>
15	DOES 1 through 50, inclusive,	)	
16	Defendant(s).	)	

17 Pursuant to the parties' Stipulation for Order to Remand, this case is hereby  
 18 **REMANDED** to the Superior Court of California, County of Riverside, Central  
 19 District, Case No. **RIC 490 987**.

20 SO ORDERED this 14th day of November, 2008.

21  
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 24 Hon. Stephen G. Larson  
 25 United States District Judge

THARPE & HOWELL  
15250 Ventura Boulevard, Ninth Floor  
Sherman Oaks, California 91403-3221

*Bacarella v. Lowe's Lowe's Companies, Inc., et al.*

Case No. EDCV 08-01385 SGL (Cwx)

**PROOF OF SERVICE**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

1. At the time of service I was at least 18 years of age and **not a party to this legal action.**
2. My business address is 15250 Ventura Boulevard, Ninth Floor, Sherman Oaks, California 91403.
3. I served copies of the following documents (specify the exact title of each document served): **[PROPOSED] REMAND ORDER**
4. I served the documents listed above in item 3 on the following persons at the addresses listed:

Frank P. Barbaro, Esq.  
**BARBARO & VALENTINE**  
200 N. Main Street, 2<sup>nd</sup> Floor  
Santa Ana, Ca 92701  
(714) 835-2122 FAX (714) 973-4892  
Attorney for Plaintiff,  
VINCENZO BACARELLA

- a.  **By personal service.** I personally delivered the documents on the date shown below to the persons at the addresses listed above in item 4. (1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents in an envelope or package clearly labeled to identify the attorney being served with a receptionist or an individual in charge of the office. (2) For a party delivery was made to the party or by leaving the documents at the party's residence between the hours of eight in the morning and six in the evening with some person not less than 18 years of age.
- b.  **By United States mail.** I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses in item 4 and (specify one):
  - (1)  deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid on the date shown below, or
  - (2)  placed the envelope for collection and mailing on the date shown below, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

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I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Sherman Oaks, California.

- c.  **By overnight delivery.** I enclosed the documents on the date shown below in an envelope or package provided by an overnight delivery carrier and addressed to the person at the addresses in item 4. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
  - d.  **By messenger service.** I served the documents on the date shown below by placing them in an envelope or package addressed to the person on the addresses listed in item 4 and providing them to a professional messenger service for service. (A declaration by the messenger must accompany this proof of service or be contained in the Declaration of Messenger below.)
  - e.  **By fax transmission.** Based on an agreement of the parties to accept service by fax transmission, I faxed the documents on the date shown below to the fax numbers of the persons listed in item 4. No error was reported by the fax machine that I used. A copy of the fax transmission, which I printed out, is attached.
  - f.  **By e-mail or electronic transmission.** Based on an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent on the date shown below to the e-mail addresses of the persons listed in item 4. I did not receive within a reasonable time after the transmission any electronic message or other indication that the transmission was unsuccessful.
- I declare that I am employed in the office of a member of the bar of this Court at whose direction service was made.
- I declare that I am a member of the bar of this Court.

November 13, 2008  
DATE

Jacqueline J. Thorne  
(TYPE OR PRINT NAME)

\_\_\_\_\_  
SIGNATURE

O:\ECF Ready\EDCV08-01385 ORDER REMANDING TO SUPERIOR COURT.wpd