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 8 UNITED STATES DISTRICT COURT
 9 CENTRAL DISTRICT OF CALIFORNIA
 10 SOUTHERN DIVISION

11 S. SIDNEY MANDEL and PAUL D.)
 BERNSTEIN, in their capacity as Co-)
 12 Trustees of the Sidney J. Bernstein Trust)
 dated November 25, 1987 for the benefit)
 13 of Elaine S. Bernstein, the Sidney J.)
 Bernstein Trust dated November 25,)
 14 1987 for the benefit of Paul D.)
 Bernstein, and the Sidney J. Bernstein)
 15 Trust dated November 25, 1987 for the)
 benefit of Anne L. Bernstein, *et al.*)

Case No. SACV 11-1940-CJC (ANx)
 The Honorable Cormac J. Carney

**ORDER REMANDING CASE TO
 STATE COURT**

JURY TRIAL DEMANDED

16 Plaintiffs,

(Unlimited Civil Case)

18 vs.

Complaint Filed: February 14, 2011

19 NNN REALTY INVESTORS, LLC,)
 20 (doing business as, and formerly known)
 as, GRUBB & ELLIS REALTY)
 21 INVESTORS, LLC, also formerly)
 known as Triple Net Properties, LLC), a)
 22 Virginia limited liability company; *et*)
al.,)

Trial Date: None Set

23 Defendants.

26 **WHEREAS**, plaintiffs in the above-captioned case (“Plaintiffs”) commenced
 27 this action in the Superior Court of the State of California, County of Orange on
 28 February 14, 2011;

1 **WHEREAS**, Plaintiffs, on November 22, 2011, filed a Second Amended
2 Complaint (“SAC”) which, among other things, added claims under Sections 10(b)
3 and 20(a) of the Securities Exchange Act of 1934;

4 **WHEREAS**, on December 15, 2011, defendants Grubb & Ellis Company and
5 Michael J. Rispoli filed a Notice of Removal of this action to the United States
6 District Court for the Central District of California pursuant to 28 U.S.C. Section
7 1441 on the grounds that the added claims in the SAC provided exclusive federal
8 question jurisdiction (15 U.S.C. § 78aa);

9 **WHEREAS**, on January 13, 2012, Plaintiffs filed a motion (1) for leave to
10 file a third amended complaint to, among other things, remove the federal securities
11 claims, and (2) remand the case back to state court (“Motion”);

12 **WHEREAS**, before Plaintiffs’ Motion was heard, on February 23, 2012, an
13 order was issued inactivating this case following the February 22, 2012 filing of
14 Grubb & Ellis Company’s Suggestion of Bankruptcy;

15 **WHEREAS**, on May 2, 2014, an order was entered by the United States
16 Bankruptcy Court for the Southern District of New York, lifting the automatic stay
17 as to Plaintiffs in order to proceed with this action against Parent and Grubb & Ellis
18 Securities Inc.;

19 **WHEREAS**, on May 22, 2014 an order was granted restoring this case to
20 active status;

21 **WHEREAS**, on June 26, 2014, this Court issued a minute order allowing
22 Plaintiffs to file a Third Amended Complaint and giving Plaintiffs until July 21,
23 2014 to file a motion to remand this case back to state court;

24 **WHEREAS**, the Third Amended Complaint, filed with leave of this Court on
25 July 2, 2014 no longer contains any claims providing exclusive federal question
26 jurisdiction (15 U.S.C. § 78aa);

27 **WHEREAS**, there also do not exist grounds for diversity jurisdiction;

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1 **WHEREAS**, on July 14, 2014, the parties in the above-captioned matter filed
2 a Stipulation pursuant to 28 U.S.C. 1367(c)(3) to remand this case back to Orange
3 County Superior Court of the State of California (the “Stipulation”);

4 **NOW THEREFORE**, having considered and reviewed the parties’
5 Stipulation, and having heard all of the arguments, and good cause appearing, the
6 Court **ORDERS** as follows:

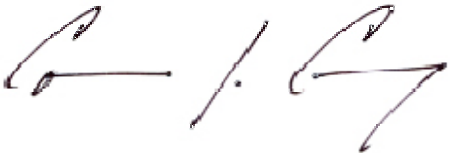
7 1. Pursuant to 28 U.S.C. § 1367(c)(3), this action is immediately
8 **REMANDED** to the Superior Court of the State of California, County of Orange.

9 2. The parties shall bear their own costs and attorneys’ fees incurred in
10 connection with the removal of this action and other proceedings in this Court.

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IT IS SO ORDERED.

DATED: July 15, 2014



**THE HONORABLE CORMAC J. CARNEY
UNITED STATES DISTRICT JUDGE**