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Claimant/Third Party Plaintiff RANDY'S TRUCKING, INC., Plaintiff STAR INSURANCE  
6 COMPANY, and Cross-Defendant/Counterclaimant/Cross-Claimant/Third Party Plaintiff  
FERNANDO M. SANDOVAL  
7

8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA – FRESNO DIVISION

11 RANDY'S TRUCKING, INC. and STAR  
INSURANCE COMPANY,

13 Plaintiffs,

14 v.

15 CITY OF SHAFTER, etc., et al,

16 Defendants.  
17

18 AND RELATED ACTIONS, CROSS-  
19 ACTIONS, AND THIRD PARTY ACTIONS  
20

) **Case No. 1:08-CV-00819 OWW DLB**  
)  
)

) **STIPULATION AND ORDER**  
) **REMANDING CASE TO KERN**  
) **COUNTY SUPERIOR COURT, AS TO**  
) **GARCIA PLAINTIFFS' CLAIMS**  
) **AGAINST RANDY'S TRUCKING, INC.**  
)  
)  
)

21 WHEREAS, this Court has granted the motion of Defendants National Railroad Passenger  
22 Corporation and BNSF Railway Company for a finding that their settlement with the Garcia  
23 plaintiffs was in good faith; and

24 WHEREAS, the only basis for federal jurisdiction of the Garcia claims was for the claims  
25 against National Railroad Passenger Corporation, which claims have now been resolved in good  
26 faith as between those parties; and  
27

28 WHEREAS, the Garcia plaintiffs' only remaining claims are against Randy's Trucking,

1 Inc.; and

2 WHEREAS, the Garcia plaintiffs and Randy's Trucking, Inc. wish to have that portion of  
3 this case removed from this Court to the Kern County Superior Court, where the Garcia Complaint  
4 was originally filed;  
5

6 NOW THEREFORE, it is hereby stipulated by and between the Garcia plaintiffs and  
7 Randy's Trucking, Inc. that the remaining claims of the Garcia plaintiffs may be remanded back to  
8 the Superior of California for the County of Kern, forthwith, for further proceedings in said Court.  
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10  
11 DATED: May 26, 2010

ERICKSEN ARBUTHNOT

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13 By \_\_\_/s/ Michael D. Ott\_\_\_\_\_

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17 Counterclaimant/Cross-Defendant/Cross-

18 Claimant/Third Party Plaintiff RANDY'S

TRUCKING, INC., Plaintiff STAR

19 INSURANCE COMPANY, and Cross-

Defendant/Counterclaimant/Cross-

20 Claimant/Third Party Plaintiff

FERNANDO M. SANDOVAL

21  
22 DATED: April \_\_\_, 2010

WILLIAM MARGOLIN

23  
24 By \_\_\_/s/ William Margolin\_\_\_\_\_

William Margolin

Attorneys for Plaintiffs

26 ROBERT GARCIA; RACHEL GARCIA;

27 JESSICA GARCIA; ERICA GARCIA, a

minor by/through guardian ad litem

28 Robert Garcia

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**ORDER REMANDING CASE TO SUPERIOR COURT OF CALIFORNIA  
FOR THE COUNTY OF KERN**

Based upon the Stipulation of the parties, and the Court's Order finding that the settlement between the Garcia plaintiffs and National Railroad Passenger Corporation and BNSF Railway Company was made in good faith, all remaining claims of the Garcia plaintiffs now pending in this matter are hereby remanded to the Superior of California for the County of Kern, forthwith, for further proceedings in said Court.

IT IS SO ORDERED.

Dated: May 26, 2010

/s/ Oliver W. Wanger  
UNITED STATES DISTRICT JUDGE