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5 Attorneys for Plaintiff/Counterdefendant/Counterclaimant/Cross-Defendant/Cross-Claimant/Third  
 Party Plaintiff RANDY’S TRUCKING, INC., Plaintiff STAR INSURANCE COMPANY, and  
 6 Cross-Defendant/Counterclaimant/Cross-Claimant/Third Party Plaintiff FERNANDO M.  
 SANDOVAL  
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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA – FRESNO DIVISION

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

12  
 13 Plaintiffs,

14 v.

15 CITY OF SHAFTER, etc., et al,

16  
 17 Defendants.

) **Case No. 1:08-CV-00819 OWW SKO**  
 ) **LACSC Case No: BC 397136**

) **ORDER REMANDING SMITH CASE**  
 ) **TO LOS ANGELES COUNTY**  
 ) **SUPERIOR COURT**

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

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 21 The motion to dismiss pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure and  
 22 brought by State of California, by and through the Department of Transportation, was heard on July  
 23 26, 2010. The Court having considered all the papers filed in support and in opposition to the motion,  
 24 as well as the oral argument presented, and finding good cause for this order; and

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 26 The Court having found the settlements between plaintiff Smith and BNSF Railway Co. and  
 27 National Railroad Passenger Corporation to have been in good faith, and having found that those  
 28 cases should be remanded to the Superior Court of the State of California;

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IT IS THEREBY ORDERED that the remaining claims in Smith v. Randy's Trucking, Inc., et al., filed in this Court as Case No. 1:09-CV-00211, be, and the same hereby are, remanded to the Superior Court of California for the County of Los Angeles for further proceedings in that Court.

IT IS SO ORDERED:

DATED: September 21, 2010

/s/ OLIVER W.WANGER  
United States District Judge