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8 **IN THE UNITED STATES DISTRICT COURT FOR THE**
9 **EASTERN DISTRICT OF CALIFORNIA**

10 **FELIX RAMIREZ and ELSA VARGAS,)**
11 **Plaintiff,)**
12 **v.)**
13 **DOWNEY SAVINGS AND LOAN)**
14 **ASSOCIATION, F.A. d/b/a US BANK,)**
15 **DSL SERVICE COMPANY, and DOES)**
16 **1-50, inclusive,)**
17 **Defendants.)**

1:09-CV-1370 AWI SMS

**ORDER ON STIPULATION
REGARDING MOTION TO
REMAND, REMANDING
CASE, AND DENYING AS
MOOT THE MOTION TO
DISMISS**

(Doc. Nos. 7, 10, 12, 13)

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19 This case was removed from the Stanislaus County Superior Court on the basis of federal
20 question jurisdiction. Currently pending before the Court are Defendants' motion to dismiss
21 (hearing set for September 21, 2009) and Plaintiffs' motion to remand (hearing set for October
22 23, 2009). On September 8, 2009, the parties filed a stipulation to remand the case to state court.
23 See Court's Docket Doc. No. 13. The stipulation recites that the case was removed based on
24 federal question jurisdiction, a remand motion was filed on the basis that Plaintiffs do not raise
25 federal claims under the federal Truth In Lending Act, and the parties have engaged in
26 discussions and reached a resolution of the remand issue. See id. The stipulation states that
27 Defendants agree to a remand and to take their motion to dismiss off calendar, and that both sides
28 are to waive attorney's fees. See id. The Court will give effect to the stipulation.

Accordingly, IT IS HEREBY ORDERED, as per the parties' stipulation, that:

1. Plaintiffs' motion to remand is GRANTED and this case is REMANDED forthwith to the Stanislaus County Superior Court;
2. The parties shall bear their own costs;
3. Defendants' motion to dismiss is DENIED as moot;
4. The September 21, 2009, and October 23, 2009, hearing dates are VACATED; and
5. The Clerk shall CLOSE this case.

IT IS SO ORDERED.

Dated: September 10, 2009

/s/ Anthony W. Ishii
CHIEF UNITED STATES DISTRICT JUDGE