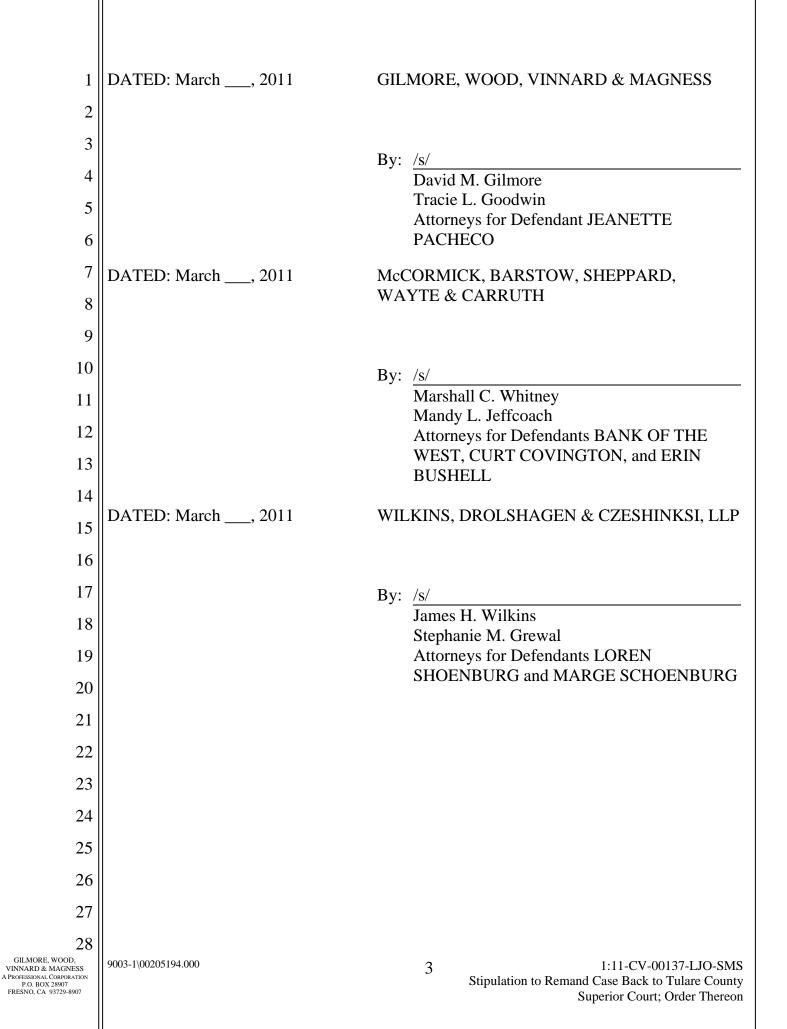
2 3	DAVID M. GILMORE, #105429 dgilmore@gwvm.com TRACIE L. GOODWIN, #250119 tgoodwin@gwvm.com GILMORE, WOOD, VINNARD & MAGNE P.O. Box 28907 Fresno, CA 93729-8907 Telephone: (559) 448-9800 Facsimile: (559) 448-9899 Attorneys for Defendant JEANETTE PACHECO	ESS
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10	UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION	
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13	ARON MARGOSIAN and CARRIE MARGOSIAN,	CASE NO. 1:11-CV-00137-LJO-SMS
14	Plaintiffs,	STIPULATION TO REMAND CASE BACK TO TULARE COUNTY
15	v.	SUPERIOR COURT; ORDER THEREON
16	DALE MARGOSIAN; JEFFREY L.	Removed from State Court: 1/25/11
17	COVEY; JEANETTE PACHECO; KURT COVINGTON; ERIN BUSHELL, BANK OF THE WEST; PATRICK	
18		
19	SCHOENBURG; WESTMARK GROUP; MARK BURRELL; and DOES 1 through	
20	100, inclusive,	
21	Defendants.	
22	Plaintiffs Aron Margosian and Carrie Margosian ("Plaintiffs"), and	
23		
24	Defendants Dale Margosian, Jeffrey L. Covey, Jeanette Pacheco, Kurt Covington, Erin Bushell, Bank of the West, Loren Schoenburg, Marge Schoenburg, Westmark Group, and	
25	Bushell, Bank of the West, Loren Schoenburg, Marge Schoenburg, Westmark Group, and Mark Burrell ("Defendents") (collectively "the Parties"), by and through their respective	
26	Mark Burrell ("Defendants") (collectively "the Parties"), by and through their respective counsel, hereby agree and stipulate as follows:	
27	counsel, hereby agree and supulate as follows	5.
28 GILMORE, WOOD, VINNARD & MAGNESS A PROFESSIONAL CORPORATION P.O. BOX 28907 FRESNO, CA 93729-8907	9003-1\00205194.000	1:11-CV-00137-LJO-SMS Stipulation to Remand Case Back to Tulare County Superior Court; Order Thereon Dockets.Justia

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1	STIPULATION		
2	1. On June 30, 2010, Plaintiffs commenced an action in the Superior		
3	Court of California in and for the County of Tulare titled Aron Margosian, et ux. v. Dale		
4	Margosian, et al. as Case No. 10-238202 ("the Action").		
5	2. On or about January 26, 2011, Defendants Westmark Group and Mark		
6	Burrell filed a Notice of Removal of the Action to this Court pursuant to 28 U.S.C. §		
7	1441(b) based on Plaintiffs' claims brought under 18 U.S.C. § 1962. The remaining		
8	Defendants all filed Notices of Consent to Remove.		
9	3. On February 22, 2011, Plaintiffs filed their First Amended Complaint,		
10	which omitted the 18 U.S.C. § 1962 claims and, in turn, the basis for this Court's		
11	jurisdiction.		
12	4. Therefore, the Parties stipulate that this action should immediately be		
13	remanded to the Tulare County Superior Court.		
14	5. Each Party shall bear his/her/its own attorneys' fees and costs with		
15	respect to the removal and subsequent remand of the Action pursuant to this Stipulation		
16	and Order.		
17	6. This Stipulation moots all pending motions before this Court, and all		
18	pending deadlines and hearings in this case should be taken off the Court's calendar.		
19	7. For convenience only, the time for Defendants to file responses to the		
20	First Amended Complaint will be in accordance with Code of Civil Procedure Section		
21	430.90. This provision shall not be construed as an admission or statement that the Action		
22	was improperly moved to federal court.		
23	DATED: March, 2011 FITZGERALD, LUNDBERG & ROMIG		
24			
25	$\mathbf{D}_{\mathbf{W}}$ /c/		
26	By: <u>/s/</u> Ken M. Fitzgerald		
27	Attorneys for Plaintiffs ARON MARGOSIAN and CARRIE MARGOSIAN		
28			
GILMORE, WOOD, VINNARD & MAGNESS A PROFESSIONAL CORPORATION P.O. BOX 28907 FRESNO, CA 93729-8907	9003-1\00205194.000 2 1:11-CV-00137-LJO-SMS Stipulation to Remand Case Back to Tulare County Superior Court; Order Thereon		



1	DATED: March, 2011	GARRETT & TULLY, P.C.
2		
3		
4		By: <u>/s/</u> Stephen J. Tully
5		Michael K. Dewberry
6		Attorneys for Defendant DALE B. MARGOSIAN, CPA
7	DATED: March, 2011	NORIEGA & ASSOCIATES
8		
9		
10		By: /s/ Robert J. Noriega
11		Attorneys for Defendants WESTMARK
12		GROUP and MARK BURRELL
13	DATED: March, 2011	DOWLING, AARON & KEELER, INC.
14		
15		By: /s/
16		Donald R. Fischbach Keith M. White
17		Attorneys for Defendant JEFFREY L.
18		COVEY
19	DATED: March, 2011	DOOLEY HERR PELTZER & RICHARDSON, LLP
20		
21		
22		By: Leonard C. Herr
23		Attorneys for Defendant PATRICK
24		SHOENBURG
25		
26		
27		
28 GILMORE, WOOD, VINNARD & MAGNESS APROFESSIONAL CORPORATION P.O. BOX 28907 FRESNO, CA 93729-8907	9003-1\00205194.000	4 1:11-CV-00137-LJO-SMS Stipulation to Remand Case Back to Tulare County Superior Court; Order Thereon

1	ORDER		
2	Good cause appearing, IT IS ORDERED THAT:		
3	1. This action immediately be remanded to the Tulare County Superior		
4	Court;		
5	2. Each Party shall bear his/her/its own attorneys' fees and costs with		
6	respect to the removal and subsequent remand of the Action;		
7	3. This Stipulation moots all pending motions before this Court, and all		
8	pending deadlines and hearings in this case shall be taken off the Court's calendar; and		
9	4. The time for Defendants to file responses to the First Amended		
10	Complaint will be in accordance with Code of Civil Procedure Section 430.90.		
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12	Dated: March 21, 2011 /s/ Lawrence J. O'Neill United States District Judge		
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28 GILMORE, WOOD, VINNARD & MAGNESS APROPESSIONAL CORPORATION P.O. BOX 28907 FRESNO, CA 93729-8907	9003-1\00205194.000 5 1:11-CV-00137-LJO-SMS Stipulation to Remand Case Back to Tulare County Superior Court; Order Thereon		