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10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA

12 BRIAN COLEMAN AND KARI ANN
13 COLEMAN,

14 Plaintiffs,

15 vs.

16 GREEN TREE SERVICING LLC,

17 Defendant.

Case No.: 14-cv-00454-LJO-SKO

**STIPULATION AND ORDER FOR
DISMISSAL OF THE FAIR DEBT
COLLECTION PRACTICES ACT CAUSE
OF ACTION WITH PREJUDICE AND
REMAND TO STATE COURT**

1 Plaintiffs BRIAN COLEMAN and KARI ANN COLEMAN (“Plaintiffs”) and defendant
2 GREEN TREE SERVICING LLC (“Defendant”), hereby stipulate and agree as follows:

3 WHEREAS Plaintiffs’ original Complaint asserted causes of action under the Fair Debt
4 Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (“FDCPA”) and California Rosenthal Fair Debt
5 Collection Practices Act, Cal. Civ. Code § 1788, *et seq.* (“Rosenthal Act”) (Doc. No. 1 at Ex. A.);

6 WHEREAS Defendant timely removed the Complaint to this Court based on federal
7 question jurisdiction (Doc No. 1);

8 WHEREAS In response to Defendant’s Motion to Dismiss the Complaint pursuant to
9 Federal Rule 12(b)(6), Plaintiffs filed a first amended complaint (“FAC”) that omits the FDCPA
10 cause of action (Doc. No. 8);

11 WHEREAS Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure,
12 Plaintiffs and Defendant stipulate that the FDCPA cause of action is dismissed with prejudice;

13 WHEREAS Because the Rosenthal Act cause of action is the only remaining cause of
14 action in the case, Plaintiffs and Defendant further stipulate and request an Order remanding the
15 case to the Superior Court of California, County of Tulare, where the action was originally filed;

16 WHEREAS Defendant shall have thirty (30) days from the date of the entry of the attached
17 Order to respond to the FAC.

18 Based on the foregoing, it is hereby STIPULATED that:

- 19 1) Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, the
20 FDCPA cause of action is dismissed with prejudice;
 - 21 2) The action is remanded to the Superior Court of California, County of Tulare;
 - 22 3) Defendant shall have thirty (30) days from the date of the entry of the attached
23 Order to respond to the FAC; and
 - 24 4) Each party shall bear its own attorneys’ fees and costs associated with the dismissal
25 of Plaintiffs’ FDCPA cause of action and the resulting remand to Superior Court.
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