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11 *Attorneys for Plaintiffs  
and the Plaintiff Class*

12 UNITED STATES DISTRICT COURT  
13 EASTERN DISTRICT OF CALIFORNIA

15 JESUS MORFIN, LAURENTINO  
16 VARGAS, ASECION LICEA, and  
17 FELIPE CRUZ, on behalf of themselves  
and all others similarly situated,

18 Plaintiffs,

19 vs.

20 VELDHUIS NORTH DAIRY, a business  
21 organization, form unknown, and DOES 1  
through 20, inclusive,

22 Defendants.

Case No.: 1:14-CV-01957 LJO BAM

**STIPULATION TO REMAND CASE TO  
MERCED COUNTY SUPERIOR  
COURT; ORDER THEREON**

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1 Plaintiffs Jesus Morfin, Laurentino Vargas, Asencion Liceo, and Felipe Cruz, individually  
2 and on behalf of a proposed class of similarly-situated individuals (“Plaintiffs”), and defendant  
3 Veldhuis North Dairy (“Defendant”) (collectively, “the Parties”), by and through their respective  
4 counsel, hereby agree and stipulate as follows:  
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6  
7 **STIPULATION**

8 1. On January 15, 2014, the Plaintiffs commenced an action against the Defendant in  
9 the Superior Court of the State of California, County of Merced, entitled *Morfin, et al. v. Veldhuis*  
10 *North Dairy, et al.*, Case No. CMV 017 297. Plaintiffs filed and served a First Amended  
11 Complaint on February 19, 2014. In November 2014, the Named Plaintiffs notified defense  
12 counsel of their intention to file a Second Amended Complaint, which would have, *inter alia*,  
13 added claims as to certain class members based on the Fair Labor Standards Act, 29 U.S.C.  
14 sections 201, *et seq.* On or about December 8, 2014, Defendant filed a Notice of Removal of the  
15 Action pursuant to 28 U.S.C. section 1441(b) based on Plaintiffs’ intention to file the proposed  
16 Second Amended Complaint, which would have provided a basis for this Court’s federal question  
17 jurisdiction. The Action was assigned Case No. 1:14-CV-01957 BAM.  
18

19 2. On December 14, 2014, the Parties reached a mediated settlement of this matter  
20 whereby the Second Amended Complaint will not be filed. As a result, there is no arguable basis  
21 for this Court’s jurisdiction.  
22

23 3. Therefore, the Parties stipulate that this action should immediately be remanded to  
24 the Merced County Superior Court.

25 4. Each Party shall bear his or its own attorneys’ fees and costs with respect to the  
26 removal and subsequent remand of the Action pursuant to this Stipulation and Order.  
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28 5. This Stipulation moots all pending matters before this Court and all pending

1 deadlines and hearings in this case should be taken off the Court's calendar.

2           6.       The Parties further agree that this Stipulation will not preclude Defendants from  
3 seeking to remove this action to federal court at a later time if the Merced Superior Court denies  
4 preliminary or final approval of the proposed settlement and the Parties cannot reach an  
5 alternative agreement within thirty days of the order denying approval. In the event settlement  
6 approval is denied, Plaintiffs agree not to assert that Defendants' failure to remove within  
7 statutory period is a basis for remand.  
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9  
10 Dated: March 3, 2015

BERLINER COHEN

11  
12 By: /s/ Susan E. Bishop  
13 Susan Bishop  
14 Attorneys for Defendants

15 Date: March 3, 2015

CALIF. RURAL LEGAL ASSISTANCE FOUNDATION  
LAW OFFICES OF JOHN E. HILL

16  
17 By: /s/ Enrique Martinez  
18 Enrique Martínez  
19 Attorneys for Individual Plaintiffs  
20 and the Plaintiff Class

21 **ORDER**

22           The Parties to the above-referenced action having filed a Stipulation to Remand Removed  
23 Action, the Court having reviewed that Stipulation and good cause appearing, IT IS HEREBY  
24 ORDERED THAT  
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- 26           1.       The Parties' Stipulation is approved;
- 27           2.       This Action is hereby remanded to the Merced County Superior Court;
- 28           3.       Each Party shall bear his or its own attorneys' fees and costs in connection with

1 respect to the removal and remand of this Action;

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3 4. All pending deadlines and hearings in this Action are hereby vacated

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5 IT IS SO ORDERED.

6 Dated: March 9, 2015

/s/ Lawrence J. O'Neill  
UNITED STATES DISTRICT JUDGE

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