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8 Attorneys for Plaintiffs  
9 ROSIO MOLAND, et. al.

10 **UNITED STATES DISTRICT COURT**  
11 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

12 ROSIO MOLAND, individually; and as  
13 guardian ad litem for Shon Moland and Mya  
14 Moland; and as administratrix of the Jason  
15 Moland Estate; SHON MOLAND; and MYA  
16 MOLAND;

17 Plaintiff,

18 vs.

19 CITY OF CERES dba CERES POLICE  
20 DEPARTMENT; THOMAS MILLER; and  
21 Does 1 through 100, inclusive,

22 Defendants.

23 **Case No.: 1:16 –CV-01073-LJO-SKO**

24 **STIPULATION TO REMAND REMOVED  
25 ACTION; ORDER THEREON**

26 \_\_\_\_\_  
27 ROSIO MOLAND, individually; and as guardian ad litem for Shon Moland and Mya  
28 Moland; and as administratrix of the Jason Moland Estate; SHON MOLAND; and MYA  
MOLAND (hereinafter “Plaintiffs”), CITY OF CERES dba CERES POLICE DEPARTMENT  
and THOMAS MILLER stipulate as follows:

1. On May 6, 2016, Plaintiffs commenced an action in the Superior Court of the  
State of California in and for the County of Stanislaus entitled ROSIO MOLAND, individually;  
and as guardian ad litem for Shon Moland and Mya Moland; and as administratrix of the Jason  
Moland Estate; Shon and Mya Moland, Plaintiffs, vs City of Ceres dba Ceres Police

STIPULATION TO REMAND REMOVAL ACTION; ORDER THEREON

1 Department; Thomas Miller; and Does 1 through 100, inclusive, Defendants as Case No.  
2 2020043.

3           **2.** On July 25, 2016, Defendant City of Ceres filed a notice of removal to Federal  
4 Court pursuant to 28 USC §§ 1446(a), (b), 1367(a) and 1391(b).

5           **3.** Defendants each filed motions to dismiss in federal court. After completion of  
6 these motions, Plaintiff, pursuant to Court order, filed a Second Amended Complaint. The  
7 Second Amended Complaint did not contain federal causes of action, which were present in prior  
8 versions of Plaintiff's complaint.

9           **4.** After some discussion, the parties have agreed that the Action should be  
10 remanded to Stanislaus County Superior Court. To that end, the Parties hereby stipulate that the  
11 Action be remanded to Stanislaus County Superior Court.

12           **5.** The Parties further stipulate that each party shall bear its own attorneys' fees and  
13 costs with respect to the removal and subsequent remand of the Action pursuant to this  
14 stipulation and order.

15 Dated: February \_\_\_\_, 2017

Arata, Swingle, Van Egmond & Goodwin

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19 Bradley Swingle, Attorney for Defendant City of  
Ceres

20 Dated: February \_\_\_\_, 2017

Goyette & Associates Inc.

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23 \_\_\_\_\_  
24 Gary Goyette, Attorney for Thomas Miller

25 Dated: February \_\_\_\_, 2017

Dyer Law Firm

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28 \_\_\_\_\_  
Dustin Dyer, Attorney for Plaintiffs

STIPULATION TO REMAND REMOVAL ACTION; ORDER THEREON

1 **ORDER**

2 In February of 2017, the Parties to the above-referenced actions filed a Stipulation to  
3 Remand Removed Action. The Court having reviewed that stipulation and good cause appearing,  
4 order as follows:

5 1. The Parties’ stipulation is approved;

6 2. Eastern District of California Case Number 1:16 –CV-01073-LJO-SKO entitled ROSIO  
7 MOLAND, individually; and as guardian ad litem for Shon Moland and Mya Moland; and as  
8 administratrix of the Jason Moland Estate; Shon and Mya Moland, Plaintiffs, vs City of Ceres  
9 dba Ceres Police Department; Thomas Miller; and Does 1 through 100, Defendants is hereby  
10 remanded to Stanislaus County Superior Court.

11 IT IS SO ORDERED.

12 Dated: February 7, 2017

13 /s/ Lawrence J. O’Neill  
14 UNITED STATES CHIEF DISTRICT JUDGE