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8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**

10 BRANDON GREENE, RENE L.  
11 BRANDT,

12 Plaintiffs,

13 v.

14 RICHARD SCHELLENBERG and DOES  
15 1-10,

16 Defendants.  
17

CASE NO.: 1:17-CV-00432-AWI-MJS

**STIPULATION TO REMAND  
AND ORDER THEREON**

(Doc. No. 5)

18 On April 19, 2017, the parties filed the following stipulation:  
19

20 The parties, having met and conferred by and through counsel, do stipulate  
21 to the following:

22 **RECITALS**

23 WHEREAS, Plaintiffs Brandon Greene and Rene L. Brandt brought suit  
24 against Defendant Richard Schellenberg in the Superior Court of California in and  
25 for the County of Fresno on December 20, 2016; and,

26 WHEREAS, Defendant Rick Schellenberg timely removed the matter to  
27 Federal Court, followed by Plaintiffs' timely motion to remand; and,  
^^

1 WHEREAS, legal counsel for the parties seek to dispose of the issue of  
2 removal and remand without further expense; and,

3 WHEREAS, legal counsel for the parties have met and conferred on the  
4 matter and arrived at an agreement on the motion's disposition; and,

5 WHEREAS, legal counsel for the parties agree that Defendant Richard  
6 Schellenberg's responsive pleading shall be due seven (7) days from the order to  
7 remand on the superior court; then,

8 The parties agree to the following,

9 **TERMS AND CONDITIONS**

10 1. The matter shall be remanded back to the trial court without further  
11 proceedings in the District Court.

12 2. Each side shall bear their own costs and fees on the removal and the  
13 motion to remand.

14 3. Defendant Richard Schellenberg shall file a responsive pleading  
15 seven (7) days from the order to remand on the superior court.

16  
17 Respectfully submitted,

18 DATED: April 19, 2017

HERR PEDERSEN & BERGLUND LLP

19  
20 By: /s/ Leonard C. Herr  
LEONARD C. HERR,  
21 Attorneys for Defendant  
RICHARD SCHELLENBERG

22  
23 DATED: April 19, 2017

LAW OFFICES OF KEVIN G. LITTLE

24  
25 By: /s/ Robert A. Fuentes (auth. 4/19/17)  
KEVIN G. LITTLE  
26 ROBERT A. FUENTES  
Attorneys for Plaintiffs  
27 BRANDON GREEN and  
RENE L. BRANDT

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After review, the Court will give effect to the parties' stipulation.

Accordingly, IT IS HEREBY ORDERED that:

1. The hearing on Plaintiff's motion to Remand is VACATED;
2. Pursuant to the stipulation of the parties this matter is REMANDED forthwith to the Fresno County Superior Court; and
3. The Clerk shall terminated Plaintiff's motion to remand (Doc. No. 5) in light of the parties' stipulation and the remand of this case.

IT IS SO ORDERED.

Dated: April 19, 2017

  
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SENIOR DISTRICT JUDGE