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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 Hector Topete, an individual, Estuardo Ruiz,
12 an individual, Juan Perez, an individual,
13 Enrique Bernal, an individual, Tulio Poggio, an
14 individual, Robert Campbell, an individual,
15 Jesus Granados, an individual, Claudia Zepeda,
16 an individual, Civel Rodriguez Lenus, an
17 individual, Tomas Zavala Perez, an individual,
18 Ricardo Pimentel, an individual, Ricardo Jaime
19 Silverio, an individual, Rafael Oropeza, an
20 individual, Alfredo Yepez Garibay, an
21 individual, Rodolfo Reveles, an individual,
22 Victor M. Baez, an individual, Karl Cleveland,
23 an individual, and Alfonso Abrego, an
24 individual,

25 Plaintiffs,

26 vs.

27 Target Corporation, a Minnesota Corporation;
28 and DOES 1 through 50, inclusive,

Defendants.

No. 1:18-CV-00833-LJO-JLT

**STIPULATION AND ORDER RE: REMAND
OF ACTION TO STATE COURT**

Kern County Superior Court,
No. BCV-18-101145

STIPULATION AND ORDER RE: REMAND TO
STATE COURT

U.S.D.C., E.D. Cal., No. No. 1:18-CV-00833-LJO-JLT

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12 Rafael Oropeza, Alfredo Yepez Garibay, Rodolfo
Reveles, Victor M. Baez, Karl Cleveland, and
13 Alfonso Abrego

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Target Corporation
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1 **STIPULATION**

2 Plaintiffs Hector Topete, Estuardo Ruiz, Juan Perez, Enrique Bernal, Tulio Poggio, Robert
3 Campbell, Jesus Granados, Claudia Zepeda, Civel Rodriguez Lenus, Tomas Zavala Perez, Ricardo
4 Pimentel, Ricardo Jaime Silverio, Rafael Oropeza, Alfredo Yepez Garibay, Rodolfo Reveles, Victor M.
5 Baez, Karl Cleveland, and Alfonso Abrego, and defendant Target Corporation (“Target”), acting
6 through their respective counsel of record, hereby stipulate as follows:

7 1. On May 14, 2018, plaintiffs commenced this action in the Superior Court of California
8 for Kern County (the “Superior Court”), where it was case number BCV-18-101145.

9 2. On June 18, 2018, Target removed this action to this Court, based on asserted diversity-
10 of-citizenship jurisdiction over plaintiff Karl Cleveland’s claims and supplemental jurisdiction over the
11 other plaintiffs’ claims.

12 3. Plaintiffs have disputed that the Court has removal jurisdiction over the action.

13 4. To resolve the dispute, the parties have agreed and stipulate as follows:

14 a. Plaintiffs Hector Topete, Estuardo Ruiz, Juan Perez, Enrique Bernal, Tulio
15 Poggio, Robert Campbell, Jesus Granados, Claudia Zepeda, Civel Rodriguez
16 Lenus, Tomas Zavala Perez, Ricardo Pimentel, Ricardo Jaime Silverio,
17 Rafael Oropeza, Alfredo Yepez Garibay, Rodolfo Reveles, Victor M. Baez,
18 Karl Cleveland, and Alfonso Abrego do not seek, will not seek, and will not
19 accept recovery in this action of an amount, including damages, penalties and
20 attorneys’ fees, that exceed \$75,000 per plaintiff.

21 b. Based on plaintiffs’ representation, Target agrees that this action may be
22 remanded to the Superior Court.

23 c. Based on Target’s agreement, plaintiffs will not seek attorneys’ fees and costs in
24 connection with the remand.

25 d. This stipulation does not preclude a future removal of this action should plaintiffs
26 add a claim over which the Court has jurisdiction, such as a claim under the Fair
27 Labor Standards Act or a class action claim subject to the Class Action Fairness
28 Act.

1 5. Based on the foregoing, the parties respectfully request the Court to remand this action to
2 the Superior Court.

3 Dated: July 17, 2018.

CRAIG J. ACKERMANN
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7 By: /s/ Jonathan Melmed
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9 Rodriguez Lenus, Tomas Zavala Perez,
10 Ricardo Pimentel, Ricardo Jaime Silverio,
 Rafael Oropeza, Alfredo Yopez Garibay,
11 Rodolfo Reveles, Victor M. Baez, Karl
 Cleveland, and Alfonso Abrego

12
13 Dated: July 17, 2018.

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17 By: /s/ Jeffrey D. Wohl
 Jeffrey D. Wohl
18 Attorneys for Defendant
19 Target Corporation

ORDER

On the stipulation of the parties, and good cause appearing therefor,

IT IS ORDERED that this action be and hereby is REMANDED to the Superior Court of California for Kern County.

IT IS SO ORDERED.

Dated: July 17, 2018

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

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