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20 **UNITED STATES DISTRICT COURT**
21 **EASTERN OF CALIFORNIA**

22 BARBARA HOLLINS,
23 Plaintiff,

24 vs.

25 GARFIELD BEACH CVS, L.L.C.;
26 CVS PHARMACY, INC.; and DOES
27 TO 20, inclusive,
28 Defendants.

Case No.: 1:23-cv-00399-BAM
ASSIGNED TO MAGISTRATE JUDGE BARBARA
A. MCAULIFFE
COURTROOM No. 8

**STIPULATION TO REMAND CASE TO
STATE COURT AND [PROPOSED]
ORDER THEREON**

TRIAL DATE: 9/3/25
ACTION FILED: 01/23/23

Defendant, GARFIELD BEACH CVS, L.L.C. (hereinafter “Defendant”) and
Plaintiff BARBARA HOLLINS (hereinafter “Plaintiff”), by and through their counsel of
record hereby stipulate to the following facts:

1. This case was originally filed on January 25, 2023, in the Superior Court of

1 California, County of Fresno, by the Plaintiff;

2 2. Defendant was served with the Summons and Complaint on February 17, 2023;

3 3. On March 16, 2023, Defendant filed Notice of Removal Pursuant to 28 U.S.C.
4 Sections 1332, 1441 and 1446.

5 4. On July 24, 2024, Plaintiff provided Defendant with relevant information and
6 agreed that the amount of controversy is less than \$75,000.00.

7 5. As such, the parties and their counsel agree that the amount in controversy in the
8 present matter is less than \$75,000 and as such, the case should be remanded.

9 6. The parties and their counsel hereby agree and stipulate that the case be remanded
10 to Superior Court of California, County of Fresno.

11 7. The parties and their counsel also agree and stipulate that each side shall bear its
12 own costs and fees on remand.

13 **IT IS SO STIPULATED**

14 BAUMAN LAW APLC

15 Dated: August 19, 2024

16 /s/ ESTIVI RUIZ

17 SHAUN J, BAUMAN ESQ.

18 ESTIVI RUIZ, ESQ.

19 Attorneys for Plaintiff

20 BARBARA HOLLINS, an individual

21 Dated: August 19, 2024

22 LA FOLLETTE, JOHNSON, DeHAAS, FESLER &
23 AMES

24 By:



25 MARISSA A. WARREN, ESQ.

26 JENNIFER A, SCHWARZ, ESQ.

27 Attorneys for Defendant

28 GARFIELD BEACH CVS, L.L.C.

CERTIFICATE OF SERVICE

1 STATE OF CALIFORNIA]
2 COUNTY OF ORANGE] ss.
3]

4 I am employed in the County of Orange, State of California. I am over the age of
5 18 and not a party to the within action; my business address is LA FOLLETTE,
6 JOHNSON, DeHAAS, FESLER & AMES, 2677 North Main Street, Suite 901, Santa Ana,
7 California 92705-6632.

8 I hereby certify that on August 19, 2024, I caused all of the pages of the foregoing
9 documents described as **STIPULATION TO REMAND CASE TO STATE COURT**
10 to be electronically filed with the United States District Court, EASTERN District of
11 California by using the CM/ECF system. I certify that the following parties or their
12 counsel of record are registered as ECF Filers and that they will be served by the CM/ECF
13 system regarding the case of BARBARA HOLLINS v. GARFIELD BEACH CVS,
14 L.L.C., et al., Court Case No. 1:23-cv-00399-BAM, Our Matter No. 06541.43703
15 MAW.

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25 Attorney for Plaintiff, BABARA HOLLINS

26 I declare under penalty of perjury under the law of the United States of America
27 that the forgoing is true and correct.

28 Executed on August 19, 2024, at Santa Ana, California.

JEANNIE LSTUFKA
JEANNIE LSTUFKA

ORDER

On February 21, 2024, following the parties’ consent, this case was reassigned for all purposes to Magistrate Judge Barbara A. McAuliffe. (Doc. 22.) On August 19, 2024, the parties filed a Stipulation to Remand this action to state court, noting that the removal was based upon diversity jurisdiction and the parties’ recent agreement that the amount of controversy is less than \$75,000.00. (Doc. 28.) On August 27, 2024, attorney Estivi Ruiz filed a notice of appearance clarifying that counsel Estivi Ruiz was admitted to practice in this court and appeared as counsel for Plaintiff. (Doc. 31.)

Having considered the record in this case and the instant Stipulation to Remand Case to State Court, and good cause appearing, the Court hereby ORDERS this case remanded back to the Superior Court of California, County of Fresno.

IT IS SO ORDERED.

Dated: August 28, 2024

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE