

1 Submitted by:
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9
10 Attorneys for Defendant
11 WELLS FARGO BANK, N.A.

12 UNITED STATES DISTRICT COURT

13 EASTERN DISTRICT OF CALIFORNIA – SACRAMENTO DIVISION

14 RANDY COLBERT,

15 Plaintiff,

16 vs.

17 WELLS FARGO HOME MORTGAGE, INC.
18 and DOES 1 – 10, inclusive,

19 Defendants.

10-CV-00747-GEB-GGH
(PROPOSED) ORDER REMANDING
ACTION

20 Upon reading and filing the stipulation of the parties, and good cause appearing,

21 IT IS ORDERED:

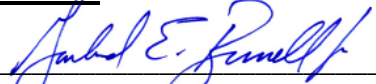
- 22 1. The Third Cause of Action in the First Amended Complaint filed in Solano County
23 on February 8, 2010 (Fraud) is dismissed with prejudice.
- 24 2. The amount remaining in controversy is \$20,000 or less, which is insufficient to
25 support diversity jurisdiction; therefore this court lacks jurisdiction of the subject
26 matter of the action.

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3. The action is remanded forthwith to the Superior Court of California, County of Solano for all further proceedings.

Date: 6/24/2011


GARLAND E. BURRELL, JR.
United States District Judge

1 **CERTIFICATE OF SERVICE**

2 I, the undersigned, declare that I am over the age of 18 and am not a party to this
3 action. I am employed in the City of Pasadena, California; my business address is Anglin,
4 Flewelling, Rasmussen, Campbell & Trytten LLP, 199 S. Los Robles Avenue, Suite 600,
Pasadena, California 91101-2459.

5 On the date below, I served a copy of the following document(s):

6 **(PROPOSED) ORDER REMANDING ACTION**

7 on all interested parties in said case addressed as follows:

8 Served via the Court's Electronic System

9 *Attorneys for Plaintiff Randy Colbert*

10
11 Larry E. Lulofs
12 Morton, Lulofs & Wood
13 180 Grand Avenue, Suite 1500
14 Oakland, California 94612
15 lelulofs@mlwlaw.com
16 Tel: 510.444.5521 / Fax: 510.444.8263

17 **BY MAIL:** By placing the envelope for collection and mailing following our ordinary
18 business practices. I am readily familiar with the firm's practice of collecting and processing
19 correspondence for mailing. On the same day that correspondence is placed for collection and
20 mailing, it is deposited in the ordinary course of business with the United States Postal Service
21 in Pasadena, California, in sealed envelopes with postage fully thereon.

22 I declare under penalty of perjury under the laws of the United States of America that
23 the foregoing is true and correct. I declare that I am employed in the office of a member of the
24 Bar of this Court at whose direction the service was made. This declaration is executed in
25 Pasadena, California, on June 24, 2011.

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/s/ Christine Daniel

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