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17 Center Holdings, Inc

18 **UNITED STATES DISTRICT COURT**  
 19 **EASTERN DISTRICT OF CALIFORNIA**

20  
21 LIDIA TASHIMA and STEVEN  
TASHIMA,

22 Plaintiffs,

23 v.

24 NEW ENGLAND  
25 COMPOUNDING PHARMACY  
INC., et al.,

26 Defendant.  
27

Case No.: 2:14-CV-01183-TLN-CKD

STIPULATION TO REMAND CASE  
BACK TO STOCKTON COUNTY  
SUPERIOR COURT; ORDER THEREON

Courtroom: 2 (15th floor)  
 Judge: Hon. Troy L. Nunley  
 Trial Date: None set

1 Plaintiffs Lidia Tashima and Steven Tashima (“Plaintiffs”) and  
2 Defendants Sequoia Orthopaedic and Spine Institute Inc.; Frank L. Feng, D.O.;  
3 and Sequoia Surgery Center Holdings, Inc. (“Defendants”) (collectively “the  
4 Parties”), by and through their respective counsel, hereby agree and stipulate  
5 as follows:

6 1. On October 23, 2013, Plaintiffs commenced an action in the  
7 Superior Court of California in and for the County of Stockton titled *Lidia*  
8 *Tashima and Steven Tashima v. New England Compounding Pharmacy, Inc. d/b/a*  
9 *New England Compounding Center, et al.*, as Case No. 39-2013-00303291-CU-NP-  
10 STK (“the Action”). On January 28, 2014, Plaintiffs filed their First Amended  
11 Complaint.

12 2. On May 15, 2014, the case was removed to federal District Court,  
13 Eastern District of California.

14 3. On May 29, 2014, the case was then transferred to United States  
15 District Court, District of Massachusetts as part of a multi-district litigation  
16 established against Defendant NECC.

17 4. On August 25, 2015, the MDL court dismissed all cases against  
18 NECC and its affiliates. Therefore, on September 9, 2016, the MDL court  
19 ordered the Tashima case be remanded back to its court of origin pursuant to  
20 § 1407.

21 5. At this time, the Parties stipulate that this action should  
22 immediately be remanded to the Superior Court of California, County of  
23 Stockton.

24 6. Each Party shall bear its own attorneys’ fees and costs with respect  
25 to the removal and subsequent remand of the Action pursuant to this  
26 Stipulation and Order.

27  
28

1 Dated: May 18, 2017

THORSNES BARTOLOTTA MCGUIRE LLP

2 Bv: /s/ Neal A. Markowitz  
3 Kevin F. Quinn, Esq.  
4 Neal A. Markowitz, Esq.  
5 Attorneys for Plaintiffs LIDIA  
6 TASHIMA and STEVEN TASHIMA

7 Dated: May 18, 2017

MCCORMICK BARSTOW LLP

8 Bv: /s/ Lawrence E. Wayte  
9 Lawrence E. Wayte, Esq.  
10 Attorneys for Defendants Sequoia  
11 Orthopaedic and Spine Institute Inc.  
12 and Frank L. Feng, D.O.

13 Dated: May 18, 2017

WHITE CANEPA LLP

14 Bv: /s/ William M. White  
15 William M. White, Esq.  
16 Attorneys for Defendant Sequoia  
17 Surgery Center Holdings, Inc.

18 **ECF Signature Certification**

19 Pursuant to Electronic Case Filing Administrative Policies and  
20 Procedures Manual, I hereby certify that the content of this document is  
21 acceptable to all counsel of record and that I have obtained all authorizations  
22 to affix their electronic signatures to this document.  
23

24 Date: May 18, 2017

25 Bv: /s/ Neal A. Markowitz  
26 Neal A. Markowitz

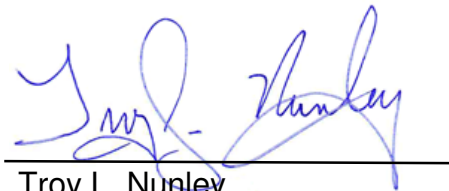
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**ORDER**

Good cause appearing, IT IS ORDERED THAT:

1. This action immediately be remanded to the Superior Court of California, County of Stockton.
2. Each Party shall bear its own attorneys' fees and costs with respect to the removal and subsequent remand of the Action; and
3. All deadlines and hearings in this case shall be taken off the Court's calendar.

Date: May 17, 2017



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Troy L. Nunley  
United States District Judge