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9 Attorneys for Defendants, NATIONSTAR MORTGAGE, LLC, THE BANK OF NEW YORK
 10 MELLON FKA THE BANK OF NEW YORK AS SUCCESSOR TRUSTEE TO JPMORGAN CHASE
 11 BANK, N.A. as Trustee for the Holders Of SAMI II Trust 2006-AR3, Mortgage Pass-Through
 12 Certificates, Series 2006-AR3 (*erroneously named as* “The Bank Of New York Mellon fka The Bank of
 13 New York, Successor Trustee To JPMorgan Chase Bank, N.A., as Trustee for The SAMI II Trust,
 14 Mortgage Pass-Through Certificates Series 2006-AR2”), and VERIPRISE PROCESSING
 15 SOLUTIONS, LLC

11
 12 **UNITED STATES DISTRICT COURT**
 13 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

15 EVAN COLE, an individual,
 16

17 Plaintiff,

18 vs.

19 NATIONSTAR MORTGAGE, LLC, THE
 20 BANK OF NEW YORK MELLON fka The
 21 Bank of New York, Successor Trustee to
 22 JPMorgan Chase Bank, N.A., as Trustee For
 23 the SAMI II Trust, Mortgage Pass-Through
 24 Certificates Series 2006-AR2; BANK OF
 25 AMERICA, N.A.; VERIPRISE
 26 PROCESSING SOLUTIONS, LLC; and
 27 DOES 1-10, inclusive,

28 Defendants.

Case No.: 2:15-CV-01000-MCE-KJN

Assigned to Hon. Morrison C. England, Jr.

[Removed from Sacramento County Superior Court,
 Case No. 34-2015-00177532]

**STIPULATION OF PARTIES TO REMAND
 ACTION TO STATE COURT; ORDER**

1 **TO THE HONORABLE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF**
2 **RECORD:**

3 Plaintiff EVAN COLE (“Plaintiff”), and Defendants NATIONSTAR MORTGAGE, LLC
4 (“Nationstar”), and THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS
5 SUCCESSOR TRUSTEE TO JPMORGAN CHASE BANK, N.A. as Trustee for the Holders Of SAMI
6 II Trust 2006-AR3, Mortgage Pass-Through Certificates, Series 2006-AR3, (“BONYM”), and Defendant
7 BANK OF AMERICA, N.A. (“BANA”) (collectively, “Defendants”), by and through their respective
8 counsel, hereby stipulate and agree as follows:

9 **1. WHEREAS**, on April 7, 2015, Plaintiff initiated the above-captioned action (the
10 “Action”) by filing a Complaint in the Superior Court of California, County of Sacramento (the “State
11 Court”), as Case No. 34-2015-00177532-CU-OR-GDS;

12 **2. WHEREAS**, on May 4, 2015, Defendant Veriprise filed a Declaration of Non-Monetary
13 Status in the Action;

14 **3. WHEREAS**, on May 8, 2015, Defendant Nationstar removed the Action to this District
15 Court on the basis of diversity of citizenship jurisdiction;

16 **4. WHEREAS**, subsequent to the filing of the Notice of Removal by Defendant Nationstar,
17 Plaintiff’s counsel advised Defendant Nationstar’s counsel that Plaintiff intended to file a Motion For
18 Order Remanding the Action back to State Court, and Defendant Nationstar learned that Defendant
19 BANA had in fact been served with the Summons and Complaint and had filed its Demurrer in the State
20 Court case on May 8, 2015; and

21 **5. WHEREAS**, Plaintiff and Defendants (collectively the “Parties”) stipulate and agree that,
22 for purposes of judicial economy and to limit the Court’s burdens, and the fees and costs incurred by the
23 Parties during the course of this litigation, this Action may be remanded to the State Court;

24 **6. WHEREAS**, the Parties further agree and stipulate that they shall bear their own fees and
25 costs related to the voluntary remand of this Action to State Court;

26 **7. WHEREAS**, Plaintiff, Defendants and Veriprise are the only parties to the Action.

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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

EVAN COLE, an individual,

Plaintiff,

vs.

NATIONSTAR MORTGAGE, LLC, THE
BANK OF NEW YORK MELLON fka The
Bank of New York, Successor Trustee to
JPMorgan Chase Bank, N.A., as Trustee For
the SAMI II Trust, Mortgage Pass-Through
Certificates Series 2006-AR2; BANK OF
AMERICA, N.A.; VERIPRISE
PROCESSING SOLUTIONS, LLC; and
DOES 1-10, inclusive,

Defendants.

Case No.: 2:15-CV-01000-MCE-KJN

**ORDER ON STIPULATION OF THE
PARTIES TO REMAND THE ACTION TO
STATE COURT**

Pursuant to the Stipulation of the Parties to Remand Action To State Court (the “Stipulation”) filed by Plaintiff EVAN COLE and Defendants NATIONSTAR MORTGAGE, LLC, THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS SUCCESSOR TRUSTEE TO JPMORGAN CHASE BANK, N.A. as Trustee for the Holders Of SAMI II Trust 2006-AR3, Mortgage Pass-Through Certificates, Series 2006-AR3, and Defendant BANK OF AMERICA, N.A., by and through their respective counsel, and finding good cause appearing, the Court makes the following order:

1 **IT IS ORDERED, ADJUDGED, AND DECREED** that the Action, case number Case No:
2 2:15-CV-01000-MCE-KJN, is REMANDED to the Sacramento County Superior Court. The
3 currently pending Motion to Dismiss (ECF No. 5) is DENIED as moot, and the Clerk of the Court is
4 directed to close this case.

5 IT IS SO ORDERED.

6 Dated: June 3, 2015

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MORRISON C. ENGLAND, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT