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10 Attorneys for Defendants, AGILENT TECHNOLOGIES, INC.

**FILED**

**MAY 21 2015**

CLERK, U.S. DISTRICT COURT  
 EASTERN DISTRICT OF CALIFORNIA  
 BY [Signature]  
 DEPUTY CLERK

11  
 12 UNITED STATES DISTRICT COURT  
 13 EASTERN DISTRICT OF CALIFORNIA

14 VANESSA FINDLAY,	)	<b>Case No. 2:15-CV-01013-JAM-CKD</b>
15 Plaintiff,	)	<b>STIPULATION AND PROPOSED</b>
16 vs.	)	<b>ORDER FOR LEAVE TO AMEND</b>
17 AGILENT TECHNOLOGIES, INC., a Delaware	)	<b>AND REMAND TO STATE COURT</b>
18 corporation, and Does 1 through 20, inclusive,	)	
19 Defendants.	)	<b>Dept : Courtroom 6</b>
	)	<b>Judge : Hon. John A. Mendez</b>

20  
 21 Defendant, AGILENT TECHNOLOGIES, INC., and Plaintiff, VANESSA FINDLAY, through  
 22 their respective counsel, hereby jointly submit this stipulation for an Order for Leave to Amend and  
 23 for Remand to State Court.

24 WHEREAS, Plaintiff filed the Complaint in state court and unintentionally referred to  
 25 Plaintiff's protected medical leave as Family Medical Leave Act (FMLA) and the California Family  
 26 Right Act, which she was entitled to and protected by as an employee in California;

27 WHEREAS, Plaintiff's proposed First Amended Complaint, lodged herewith, contains no  
 28 mention of claims requiring federal jurisdiction, and no federal questions;

**STIPULATION AND PROPOSED ORDER FOR LEAVE TO AMEND AND REMAND TO STATE COURT**  
 Case No. 2:15-CV-01013-JAM-CKD

1 WHEREAS, Plaintiff's reasons for seeking amendment of the complaint and remand is to  
2 control the forum in which her rights will be addressed, which is a right normally accorded to  
3 Plaintiffs in filing their claims;

4 WHEREAS, the request is not for any impermissible reason, nor to delay the prosecution of  
5 this matter;

6 WHEREAS, no party's rights will be prejudiced by issuing the order requested so early in the  
7 proceedings, when no other motions have been presented to this Court's jurisdiction, no discovery  
8 has been conducted under the federal rules, and as of this date, no early meeting of counsel has  
9 occurred.

10 **NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED** by the parties  
11 through their undersigned counsel of record that:

- 12 1. Plaintiff dismisses all claims arising under the FMLA;
- 13 2. The First Amended Complaint lodged herewith is deemed filed; and
- 14 3. The matter shall be remanded to state court.

15 Dated: May 18, 2015

BRYANT WHITTEN, LLP



17  
18 SHELLEY G. BRYANT, Attorneys for Plaintiff,  
VANESSA FINDLAY

19  
20 Dated: May 18, 2015

CURLEY, HESSINGER & JOHNSRUD LLP

21  
22 /s/

23 BRIAN LEE JOHNSRUD, Attorneys for Defendant,  
AGILENT TECHNOLOGIES, INC.

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**ORDER**

**GOOD CAUSE APPEARING**, the Court hereby approves this Joint Stipulation and orders the First Amended Complaint lodged herewith deemed filed. The matter is Remanded to the Superior Court of Sacramento County and the Court Clerk is directed to close the case.

**IT IS SO ORDERED.**

Dated: May 21, 2015

  
UNITED STATES DISTRICT JUDGE