

1 Thomas C. Tagliarini (State Bar No. 104949)
LAW OFFICES OF THOMAS C. TAGLIARINI
 2 2200 Powell Street, Suite 1125
 3 Oakland, California 94608
 Telephone: (510) 444-0692
 4 Facsimile: (510) 900-9381
 e-mail: Tom@Tagliarinilaw.com

5 Attorney for Plaintiff,
 HARTFORD ACCIDENT & INDEMNITY COMPANY
 6 And for Complainant in Intervention
 SHERYL A. BASA

9 UNITED STATES DISTRICT COURT
 10 EASTERN DISTRICT OF CALIFORNIA

13 HARTFORD ACCIDENT & INDEMNITY
 COMPANY,

Case No. 2:16-CV-02513-MCE-DB

14 Plaintiff,

Sacramento County Superior Court
 Case No.: 34-2016-00192504

15 v.

16 TARGET CORPORATION., a Minnesota
 Corporation and DOES 1 through 50, inclusive.

DECLARATION OF THOMAS C.
 TAGLIARINI IN SUPPORT OF REQUEST TO
 WITHDRAW MOTION TO REMAND AND
 REQUEST TO VACATE HEARING DATE

17 Defendants.

[28 USC § 1446]

19 SHERYL A. BASA

20 Complainant in Intervention

DATE: March 23, 2017
 TIME: 2:00 p.m.
 DEPT: 7, Hon. Morrison C. England, Jr.

23 **DECLARATION OF THOMAS C. TAGLIARINI**

24
 25 I, Thomas C. Tagliarini am an attorney at law duly authorized to practice law before all courts of the
 26 State of California. I am the attorney of record for Plaintiff, herein, HARTFORD ACCIDENT &
 27 INDEMNITY COMPANY (hereinafter, HARTFORD) As such, I have personal knowledge of the
 28 following facts:

DECLARATION OF THOMAS C. TAGLIARINI IN SUPPORT OF REQUEST TO WITHDRAW MOTION TO REMAND ACTION

1 1. On April 4, 2016, HARTFORD filed a Complaint for Benefits against TARGET wherein
2 HARTFORD seeks to recover the Workers' Compensation benefits it paid to Ms. SHERYL A. BASA
3 (hereinafter, BASA) an employee of HARTFORD insured, Kidscare DPM, LLC. HARTFORD alleges
4 BASA was injured in the course and scope of her employment as a direct and proximate consequence of the
5 negligence of TARGET. As the Workers' Compensation insurance carrier for BASA's employer,
6 HARTFORD benefits to BASA and paid medical bills on behalf of BASA.
7

8 2. The action was filed in Sacramento County Superior Court because the accident occurred at
9 a TARGET store in Sacramento County. TARGET filed its Answer to the Complaint on May 5, 2016.
10

11 3. On July 25, 2016 the injured worker, BASA sought to intervene in the litigation and she
12 served TARGET with an Application for Leave to Intervene. Sacramento County Superior Court filed the
13 Application of Leave to Intervene on July 27, 2016. Thereafter, Sacramento County Superior Court filed
14 the Complaint in Intervention on August 15, 2016.
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16 4. On September 14, 2016 Sacramento County Superior Court executed and filed an Order
17 granting leave to intervene. For some inexplicable reason, the Order granting leave to intervene was
18 executed and filed one month after the Complaint in Intervention had already been filed by the Court.
19

20 5. On October 18, 2016 Defendant, TARGET CORPORATION (hereinafter, TARGET) served
21 its Notice of Removal of the above captioned action to this Court based upon a claim of diversity
22 jurisdiction.
23

24 6. On or about October 27, 2016 TARGET filed an Amended Notice of Removal of the Action
25 wherein it made identical claims of diversity as had been made in its initial Notice of Removal.
26

27 7. On or about November 14, 2016 I, as counsel for Plaintiff, HARTFORD, filed a Motion to
28 Remand this action back to Sacramento County Superior Court based upon my understanding that diversity
did not exist because it appeared Defendant, TARGET's principal place of business was California, not

1 Minnesota.

2 8. After having review the Opposition Brief filed by Defendant, TARGET, I have concluded
3 that diversity does, in fact, exist and that this case had been properly removed. Therefore, I request that the
4 Motion to Remand be withdrawn and that the hearing of this motion be vacated.

5 I declare under penalty of perjury under the laws of the State of California that the foregoing is true
6 and correct. I could testify competently to the foregoing if called as a witness to do so. Executed this 16th
7 day of March, 2017 in Emeryville, California.
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12 Thomas C. Tagliarini
13 Attorney for Plaintiff HARTFORD ACCIDENT & INDEMNITY CO.
14 and for Plaintiff, SHERYL A. BASA
15 HARTFORD ACCIDENT & INDEMNITY COMPANY
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9 Attorney for Plaintiff,
10 HARTFORD ACCIDENT & INDEMNITY COMPANY
11 And for Complainant in Intervention
12 SHERYL A. BASA

13 UNITED STATES DISTRICT COURT
14 EASTERN DISTRICT OF CALIFORNIA

15 HARTFORD ACCIDENT & INDEMNITY
16 COMPANY,

Case No. 2:16-CV-02513-MCE-DB

17 Plaintiff,

Sacramento County Superior Court
Case No.: 34-2016-00192504

18 v.

19 TARGET CORPORATION., a Minnesota
20 Corporation and DOES 1 through 50, inclusive.

ORDER GRANTING REQUEST TO
WITHDRAW MOTION TO REMAND
ACTION AND ORDER VACATING THE
HEARING DATE OF THE MOTION

21 Defendants.

[28 USC § 1446 (b)(1), (2)(B), (3), (c)(1)]

22 _____/
23 SHERYL A. BASA

24 Complainant in Intervention
25 _____/

DATE: March 23, 2017

TIME: 2:00 p.m.

DEPT: 7, Hon. Morrisison C. England, Jr.

26 The motion of Plaintiff, HARTFORD ACCIDENT & INDEMNITY COMPANY to remand the
27 above captioned action back to Sacramento County Superior Court was filed on or about November 14,
28 2016. The hearing of the motion is scheduled to occur at 2:00 p.m. on March 23, 2017.

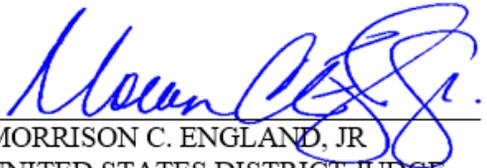
1 Thereafter, Thomas C. Tagliarini, Esq., as counsel for moving party, HARTFORD ACCIDENT &
2 INDEMNITY COMPANY, filed a Declaration requesting the Motion to Remand be withdrawn and the
3 hearing date vacated. ECF No. 19.

4 After having read and considered the Declaration of Thomas C. Tagliarini and good cause appearing
5 therefore, it is hereby ordered that Plaintiff's request to withdraw the Motion to Remand, ECF No. 19, is
6 GRANTED. Plaintiff's motion, ECF No. 13, is hereby WITHDRAWN.

7 It is further ordered that the hearing date of the Motion to Remand, ECF No. 13, which is scheduled
8 for 2:00 p.m. on March 23, 2017, is VACATED.

9 IT IS SO ORDERED.

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11 Dated: March 17, 2017

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13 MORRISON C. ENGLAND, JR.
14 UNITED STATES DISTRICT JUDGE
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