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8 Attorneys for Plaintiffs ANTHONY MEDRANO and NICOLA GALASSI, individually and on
behalf of all similarly situated individuals

9
10 **UNITED STATES DISTRICT COURT**
11 **EASTERN DISTRICT OF CALIFORNIA**

12 ANTHONY MEDRANO and NICOLA
13 GALASSI, individually and on behalf of all
14 similarly situated individuals,

15 Plaintiffs,

16 v.

17 PARTY CITY CORPORATION, a Delaware
18 Corporation, and DOES 1 through 10, inclusive,

19 Defendants.
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CASE NO: 2:16-cv-02996-WBS-EFB

**STIPULATION RE: PLAINTIFFS’
MOTION TO REMAND; [~~PROPOSED~~]
ORDER**

Date: March 6, 2017

Time: 1:30 p.m.

Courtroom: 5, 14th Floor

Judge: William B. Shubb

1 Plaintiffs ANTHONY MEDRANO and NICOLA GALASSI (“Plaintiffs”) and Defendant
2 PARTY CITY CORPORATION (“Defendant”) (jointly, the “Parties”) by and through their
3 respective counsel of record hereby stipulate as follows and mutually request that the Court approve
4 and enter the proposed Order in accordance with this Stipulation.

5 **STIPULATION**

6 1. On January 30, 2017, Plaintiffs filed a motion for an order pursuant to 28 U.S.C. §
7 1447 remanding this Action back to the Superior Court for the State of California (the “Motion”).

8 2. Defendant filed its opposition to Plaintiffs’ Motion on February 21, 2017 (the
9 “Opposition”).

10 3. Plaintiffs’ Motion is currently set for hearing on March 6, 2017 at 1:30 p.m. in
11 Courtroom 5 of the above-entitled Court.

12 4. The Parties have discussed the Motion and Opposition and agree to the following:

- 13 • Defendant will not assert, argue or take the position at any time going forward in this
14 matter that this Court lacks jurisdiction, under Article III of the United States
15 Constitution or otherwise, to adjudicate this case;
- 16 • Defendant will amend its answer to remove the second sentence of the First
17 Affirmative Defense. Specifically, Defendant’s Amended Answer will delete the
18 words, “Plaintiffs have not alleged a concrete and particularized harm but rather a
19 bare procedural violation, and therefore lack standing under Article III of the United
20 States Constitution.” A copy of the proposed Amended Answer is attached hereto as
21 Exhibit “A.”
- 22 • Plaintiffs withdraw their Motion and request that the court vacate the hearing.

23 **IT IS SO STIPULATED.**

24 DATED: February 28, 2017

GAINES & GAINES
A Professional Law Corporation

26 By: /s/ Daniel F. Gaines
27 DANIEL F. GAINES
28 Attorneys for Plaintiffs

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1 DATED: February 27, 2017

FOX ROTHSCHILD LLP

2 By: /s/ Tyreen G. Torner (*as authorized on 2/24/17)

3 DAVID FAUSTMAN
4 TYREEN G. TORNER

5 Attorneys for Defendant

6 **ORDER**

7 Pursuant to the Stipulation above, the Court orders the following:

8 1. Defendant will not assert, argue or take the position at any time going forward in this matter
9 that the Court lacks jurisdiction, under Article III of the United States Constitution or otherwise, to
10 adjudicate this case;

11 2. Defendant is granted leave to file an amended answer that removes only the language in the
12 second sentence of the First Affirmative Defense as follows: "Plaintiffs have not alleged a concrete
13 and particularized harm but rather a bare procedural violation, and therefore lack standing under
14 Article II of the United States Constitution."

15 3. Plaintiffs' Motion for Remand is deemed withdrawn and the March 6, 2017 hearing is
16 vacated.

17 Dated: February 28, 2017



18 WILLIAM B. SHUBB
19 UNITED STATES DISTRICT JUDGE