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 6 Attorneys for the United States of America

7
 8 UNITED STATES DISTRICT COURT
 9 EASTERN DISTRICT OF CALIFORNIA

10
 11 CLEAR RECON CORP.,

12 Petitioner,

13 v.

14 ALL CLAIMANTS TO SURPLUS FUNDS
 15 AFTER A TRUSTEE'S SALE OF THE REAL
 PROPERTY LOCATED AT 1608 JONQUIL
 16 DRIVE, ROSEVILLE, CA 95747,

17 Defendants.

Case No. 2:17-CV-00086 MCE GGH

**JOINT STIPULATION AND ORDER TO
 REMAND REMOVED ACTION TO STATE
 COURT**

18 Petitioner Clear Recon Corp., the United States of America, and the California Employment
 19 Development Department, being the only claimants who have appeared in this action to date, hereby
 20 stipulate and agree, by and through their respective counsel, as follows:

21 **RECITALS**

22 1. On December 8, 2016, Clear Recon Corp. filed a Petition and Declaration Regarding
 23 Unresolved Claims and Deposit of Undistributed Surplus Proceeds of Trustee's Sale in Placer County
 24 Superior Court pursuant to California Civil Code § 2924j.

25 2. On January 13, 2017, the United States of America removed the state court action to this
 26 Court pursuant to 28 U.S.C. §§ 1442(a)(1) and 1444.

27 3. After discussions about this case, the parties to this stipulation agree to the remand of this
 28 case to Placer County Superior Court for further proceedings subject to the stipulations set forth herein.

1 **STIPULATION**

2 Based on the foregoing, the parties stipulate and agree as follows:

3 A. That the above-captioned Eastern District of California Case No. 2:17-cv-00086 MCE
4 GGH shall be remanded to the Superior Court of the State of California, Placer County, Case No. SCV-
5 0038863;

6 B. That the claims filed in this action by United States on behalf of the Department of
7 Housing and Urban Development and the Internal Revenue Service, and by the California Employment
8 Development Department, were timely filed and may be re-filed in the Placer County Superior Court
9 after remand; and

10 C. That a good faith basis for removal existed at the time of said removal and, therefore, the
11 parties will bear their own attorneys' fees and costs in connection with the removal and this remand.

12
13 Date: February 17, 2017

PHILLIP A. TALBERT
United States Attorney

14
15 /s/ Lynn Trinka Ernce
LYNN TRINKA ERNCE
16 Assistant United States Attorney

17 Date: February 17, 2017

ALDRIDGE PITE, LLP

18 /s/ Genail M. Anderson (auth 2/17/17)
19 GENAIL M. ANDERSON
Attorneys for Petitioner
20 CLEAR RECON CORP.

21 Date: February 17, 2017

XAVIER BECERRA
Attorney General of California
22 MOLLY K. MOSELY
23 Supervising Deputy Attorney General


24 /s/ Michael Sapoznikow (auth 2/17/17)
25 MICHAEL SAPOZNIKOW
26 Deputy Attorney General
27 Attorneys for Defendant
28 California Employment Development Department

1 **ORDER**

2 Good cause appearing, and pursuant to the stipulation of the parties, **IT IS HEREBY**
3 **ORDERED** that the above stipulation is approved in its entirety. This action is hereby remanded to the
4 Superior Court of the State of California, Placer County, Case No. SCV-0038863, all parties to bear
5 their/its own fees and costs. The Clerk of Court is hereby directed to close this case.

6 **IT IS SO ORDERED.**

7 Dated: February 22, 2017

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9 MORRISON C. ENGLAND, JR.
10 UNITED STATES DISTRICT JUDGE