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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SMITH-EMERY COMPANY, a California corporation, and JAMES E. PARTRIDGE, P.E., an individual,

Plaintiffs,

v.

STATE OF CALIFORNIA, DIVISION OF STATE ARCHITECT; STATE OF CALIFORNIA, OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT; INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL UNION NO. 12; TRUSTEES OF THE OPERATING ENGINEERS PENSION TRUST; TRUSTEES OF THE OPERATING ENGINEERS HEATH AND WELFARE FUND; TRUSTEES OF THE OPERATING ENGINEERS VACATION HOLIDAY SAVINGS TRUST; TRUSTEES OF THE OPERATING ENGINEERS TRAINING TRUST; and DOES 1-10, inclusive,

Defendants.

No. 2:17-cv-00435-TLN-KJN

ORDER GRANTING PLAINTIFFS' MOTION FOR REMAND

This matter is before the Court on Plaintiffs Smith-Emery Company and James Partridge's (jointly "Plaintiffs") Motion for Remand (ECF No. 20). Defendants State of California Division of State Architect and State of California Office of Statewide Health Planning and Development

1 (jointly “Defendants”) filed a statement of non-opposition. (ECF No. 21.) Plaintiffs seek
2 declaratory judgment that it is unlawful for inspectors employed by Plaintiffs to perform testing
3 work on schools and hospitals pursuant to California state law. (Compl., ECF No. 1, Ex. A.) In
4 light of Defendants’ statement of non-opposition, this action is hereby REMANDED to the
5 Superior Court of California, County of Sacramento. The Clerk of Court is directed to close the
6 case.

7 IT IS SO ORDERED.

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9 Dated: April 7, 2017

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12 Troy L. Nunley
13 United States District Judge
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