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11 **UNITED STATES DISTRICT COURT**
 12 **EASTERN DISTRICT OF CALIFORNIA**

<p>13 NABIL SAMAAAN,</p> <p>14 Plaintiff,</p> <p>15 v.</p> <p>16 MARK RAINS, SACRAMENTO COUNTY and DOES 1-10,</p> <p>17 Defendants</p>	<p>)</p>	<p>Case No.: 2:17-cv-02219-TLN-DB</p> <p>STIPULATION AND ORDER TO REMAND CASE TO SACRAMENTO SUPERIOR COURT</p>
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20 Plaintiff Nabil Samaan and Defendant Mark Rains^[1], by and through their respective
 21 counsel, hereby agree and stipulate as follows:

- 22 1. On June 9, 2016, Plaintiff commenced an action in the Superior Court of
 23 California in and for the County of Sacramento titled *Nabil Samaan v. Mark Rains, and DOES 1-*
 24 *10*, as Case No. 34-2016-00195759.
- 25 2. On or around August 1, 2017, Plaintiff filed a motion to file a First Amended
 26 Complaint.

28 ^[1] The County of Sacramento has not been served with the complaint or otherwise appeared in this matter.

1 3. On or around September 18, 2017, the Superior Court granted Plaintiff's motion
2 to file a First Amended Complaint.

3 4. On September 22, 2017, Plaintiff filed a First Amended Complaint adding the
4 County of Sacramento as a defendant and asserting causes of action for defamation, violations of
5 California Civil Code § 52.1 and Sacramento County Code § 9.20.010, intentional infliction of
6 emotional distress, negligence, negligent infliction of emotional distress, and violations of the
7 First and Fourteenth Amendments to the Constitution of the United States.

8 5. The first date upon which Defendant Rains received a copy of said complaint was
9 September 25, 2017, via service upon his attorneys of record.

10 6. On October 23, 2017, Defendant Mark Rains filed a Notice of Removal of the
11 Action to this Court pursuant to 28 U.S.C. § 1441(b) based on Plaintiff's claims brought under
12 the First and Fourteenth Amendments to the Constitution of the United States pursuant to 42
13 U.S.C. § 1983.

14 7. On October 25, 2017, Plaintiff filed a Request for Dismissal of the federal causes
15 of action for violation of the First and Fourteenth Amendments to the U.S. Constitution in the
16 Sacramento County Superior Court.

17 8. Plaintiff agrees to voluntarily dismiss the federal causes of action for violation of
18 the First and Fourteenth Amendments to the U.S. Constitution from the First Amended
19 Complaint, which removes the basis for this Court's jurisdiction.

20 9. Therefore, the Parties stipulate that this action should immediately be remanded to
21 the Sacramento County Superior Court.

22 10. Pursuant to this Stipulation, Plaintiff's Sixth Cause of Action for "Violation of
23 Constitutional First and Fourteenth Amendment Rights," along with any other claims that may
24 be construed to be federal question claims over which this court has original jurisdiction under
25 28 U.S.C. § 1331, and any other federal claims against Defendants Mark Rains or the County of
26 Sacramento, are dismissed with prejudice.

1 11. This Stipulation moots all pending motions before this Court, and all pending
2 deadlines and hearings in this case should be taken off the Court's calendar.

3 12. The Parties agree that the time for Defendant Rains to file a response to the First
4 Amended Complaint will be in accordance with California Code of Civil Procedure § 430.90.

5 **WHEREFORE**, the Parties hereby stipulate that good cause exists to remand this case
6 back to the Sacramento County Superior Court, Case No. 34-2016-00195759.

7
8 Dated: November 6, 2017

LONGYEAR, O'DEA & LAVRA, LLP

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10 By: /s/ Amanda L. McDermott

11 JOHN A. LAVRA
AMANDA L. MCDERMOTT
Attorneys for Mark Rains and County of Sacramento

12 Dated: November 6, 2017

13
14 By: /s/ Nabil Samaan

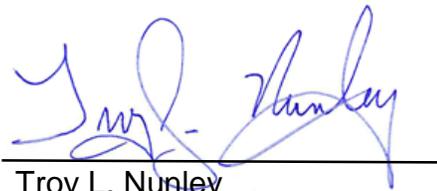
15 NABIL SAMAAAN
Attorney for Plaintiff, Pro Per

16 **ORDER**

17 Good cause appearing, IT IS ORDERED THAT:

- 18 1. This action immediately be remanded to the Sacramento County Superior Court;
19 2. This Stipulation moots all pending motions before this Court, and all pending
20 deadlines and hearings in this case shall be taken off the Court's calendar; and
21 3. The time for Defendant Rains to file a response to the First Amended Complaint will
22 be in accordance with California Code of Civil Procedure § 430.90.

23
24 Dated: November 6, 2017

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26 

27 Troy L. Nunley
28 United States District Judge