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10 Attorneys for Defendant  
 11 UNITED TECHNOLOGIES CORPORATION

12 **UNITED STATES DISTRICT COURT**  
 13 **NORTHERN DISTRICT OF CALIFORNIA**

14 NORMAN CARVETH,  
 15 Plaintiff,  
 16 v.  
 17 ALLIS-CHALMERS CORPORATION  
 18 PRODUCT LIABILITY TRUST, et al,  
 19 Defendants.

Case No. C 08-03314 SI

**JOINT STIPULATION TO DISMISS  
 DEFENDANT UNITED TECHNOLOGIES  
 CORPORATION AND TO REMAND  
 ACTION TO STATE COURT**

**[Local Rules 7-1 and 7-12; FRCP 41]**

20 Come now Plaintiff NORMAN CARVETH ("Plaintiff") and Defendant UNITED  
 21 TECHNOLOGIES CORPORATION ("UTC"), who file the following joint stipulation pursuant  
 22 to Local Rules 7-1 and 7-12:

23 WHEREAS, Defendant UTC removed this case to the United States District Court for the  
 24 Northern District of California on July 9, 2008, on the ground that the Court has "federal officer"  
 25 subject matter jurisdiction under 28 United States Code § 1442(a) based on Plaintiff's allegations  
 26 that his injury was caused by products designed and manufactured by UTC under the supervision  
 27 and control of the United States government;

1           WHEREAS, Defendant UTC was the sole removing defendant and no other defendant  
2 joined in removal or filed a separate notice of removal;

3           WHEREAS, Plaintiff and Defendant UTC, the affected parties, have now reached a  
4 resolution of Plaintiff's claims against UTC;

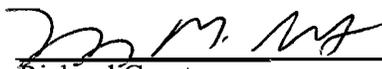
5           WHEREAS, Defendant UTC's desire for a federal forum for this action is now moot  
6 given the resolution of Plaintiff's claims against it; and

7           WHEREAS, pursuant to the parties' resolution, Plaintiff and Defendant UTC seek to have  
8 this action remanded to state court, IT IS HEREBY STIPULATED by the affected parties,  
9 Plaintiff and Defendant UTC, that all claims against Defendant UTC shall be, and hereby are,  
10 dismissed with prejudice pursuant to Rule 41 of the Federal Rules of Civil Procedure and that  
11 this action shall be, and hereby is, immediately remanded to the San Francisco County Superior  
12 Court, the court in which it was originally filed and from which it was removed.

13 DATED: October 30, 2008

BRAYTON PURCELL

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By:   
Richard Grant  
Attorneys for Plaintiff  
NORMAN CARVETH

19 DATED: October 30, 2008

TUCKER ELLIS & WEST LLP

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By:   
Lance Wilson  
Attorneys for Defendant  
UNITED TECHNOLOGIES  
CORPORATION

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1           **PURSUANT TO STIPULATION, IT IS SO ORDERED.** Case is REMANDED to the  
2 Superior Court of California, County of San Francisco, Case. No. 274677. The Clerk shall send  
3 a certified copy of this Order to the Clerk of the Court for the Superior Court of California,  
4 County of San Francisco.

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6 Dated: October \_\_, 2008

By:   
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HONORABLE SUSAN ILLSTON  
UNITED STATES DISTRICT JUDGE

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