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 7

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN FRANCISCO DIVISION

11 CITY OF STOCKTON,
 12 Plaintiff,
 13 v.
 14 AMBAC FINANCIAL GROUP INC.;
 MBIA, INC.; XL CAPITAL
 15 ASSURANCE INC.; ACA FINANCIAL
 GUARANTY CORP; FINANCIAL
 16 GUARANTY INSURANCE COMPANY;
 CIFG ASSURANCE NORTH AMERICA,
 17 INC.; JASON KISSANE; NEIL PACK;
 and Does 1 – 50,
 18 Defendants.
 19

) Case No. CV08-4031 MMC
) Hon. Maxine M. Chesney

) **STIPULATION AND**
) **~~PROPOSED~~ ORDER**
) **WITHDRAWING OPPOSITION**
) **TO PLAINTIFF'S MOTION FOR**
) **REMAND AND WITHDRAWING**
) **MOTION TO TRANSFER**
) **VENUE, AND REMANDING**
) **ACTION TO STATE COURT**

STIPULATION AND ~~PROPOSED~~ ORDER WITHDRAWING OPPOSITION TO PLAINTIFF'S MOTION FOR REMAND AND MOTION TO TRANSFER
 VENUE AND REMANDING ACTION TO STATE COURT

1 1. Whereas, Plaintiff City of Stockton filed a complaint in this action on
2 or about July 23, 2008 in San Francisco Superior Court;

3 2. Whereas, Defendant MBIA, Inc. filed a Notice of Removal of this
4 action to this Court on August 22, 2008;

5 3. Whereas actions similar to the Stockton action have been filed in Los
6 Angeles County Superior Court by the City of Los Angeles, and in San Francisco
7 County Superior Court by the City of Oakland, and removed by Defendants to the
8 United States District Courts for the Central District and Northern District of
9 California, respectively;

10 4. Whereas, Plaintiff filed a Motion For Remand To State Court in this
11 action on September 10, 2008;

12 5. Whereas, Plaintiff also filed Motions For Remand To State Court in the
13 Los Angeles and Oakland actions;

14 6. Whereas, Defendants filed Joint Oppositions to the Plaintiffs' Motions
15 For Remand in each of the Los Angeles, Stockton and Oakland actions;

16 7. Whereas, Judge Fairbank of the United States District Court for the
17 Central District of California granted Plaintiff's Motion For Remand To State Court
18 in the Los Angeles action on October 20, 2008;

19 8. Whereas, Defendants have agreed to withdraw their Joint Opposition to
20 Plaintiff's Motion For Remand in this action and the Oakland action;

21 9. Whereas, all parties to this action and the Oakland action have agreed
22 to stipulate to the remand of this action and the Oakland action as pleaded to state
23 court;

24 10. Whereas, Defendants filed a Motion to Transfer Venue in this action
25 on October 10, 2008;

26 11. Whereas, Defendants have agreed to withdraw their Motion to
27 Transfer Venue in this action;

1 12. Whereas, a similar stipulation will be filed concurrently herewith in
2 the Oakland action;

3 13. Whereas, the parties agree to bear their own attorneys' fees and costs
4 with respect to all proceedings in the District Court;

5 Now, therefore, the parties hereby stipulate as follows:

6 1. Defendants' Joint Opposition to Plaintiff's Motion For Remand and
7 Defendants' Motion to Transfer Venue in this action are withdrawn, and this action
8 as currently pleaded should be remanded to state court, all parties to bear their own
9 costs and fees.

10
11 IT IS SO STIPULATED.

12 DATED: October 22, 2008

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22 *MBIA, INC.*

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DATED: October 22, 2008

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DATED: October 22, 2008

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DATED: October 22, 2008

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DATED: October 22, 2008

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DATED: October 22, 2008

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1 DATED: October 22, 2008

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CIFG ASSURANCE NORTH AMERICA

15
16 ~~PROPOSED~~ ORDER

17
18 PURSUANT TO THE STIPULATION OF THE PARTIES, IT IS
19 ORDERED that this action is hereby remanded to state court, all parties to bear their
20 own costs and fees.
21

22
23 October 27, 2008

24 *Majone M. Cheney*
25 UNITED STATES DISTRICT JUDGE