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 18 Brown Group Retail, Inc.

19 **UNITED STATES DISTRICT COURT**  
 20 **NORTHERN DISTRICT OF CALIFORNIA**

21 HENRY ORTIZ, on behalf of himself, the	)	Case No.: 08-cv-4266 WHA
22 general public, and as an “aggrieved	)	
23 employee” under the California Labor Code	)	<u>CLASS ACTION</u>
24 Private Attorneys General Act,	)	
25 Plaintiff,	)	<b>STIPULATION AND [PROPOSED]</b>
26 v.	)	<b>ORDER REMANDING THE CASE</b>
27	)	<b>BACK TO STATE COURT</b>
28 BROWN GROUP RETAIL, INC., and Does	)	
1 through 10 inclusive,	)	
Defendant.	)	

1 Plaintiff Henry Ortiz (“Plaintiff”) and Defendant Brown Group Retail, Inc.  
2 (“Defendant”), by and through their respective counsel of record, hereby stipulate as  
3 follows and mutually request the Court approve said Stipulation and enter an order in  
4 accordance herewith.

5 **STIPULATION**

6 WHEREAS, Plaintiff originally filed this action on August 8, 2008 in San  
7 Francisco County Superior Court;

8 WHEREAS, on September 10, 2008, Defendant timely filed a Notice of  
9 Removal asserting that the case had an amount in controversy exceeding \$5,000,000 and  
10 thus the Court had jurisdiction under 28 U.S.C. § 1332(d), the Class Action Fairness Act  
11 of 2005;

12 WHEREAS, counsel have discussed the removal and the underlying theories of  
13 liability further;

14 WHEREAS, as a result of these discussions, Plaintiff hereby stipulates that he  
15 will not seek any penalties under California Labor Code § 2699 for violations of Labor  
16 Code § 212 for the period prior to February 19, 2007; and

17 WHEREAS, as a result of these discussions, and based on the representation of  
18 the number of paychecks at issue as asserted in paragraph three of the Notice of  
19 Removal (45,990 paychecks), Plaintiff hereby stipulates that the total amount in  
20 controversy, inclusive of all damages, penalties, fees and costs, does not exceed  
21 \$4,999,999.

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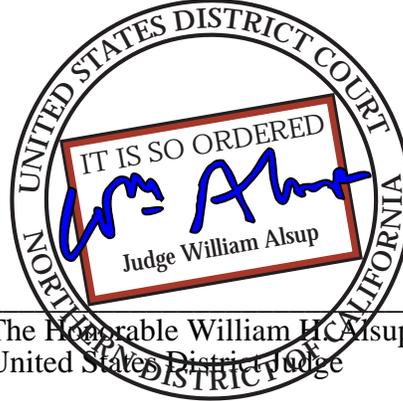
**ORDER**

GOOD CAUSE APPEARING THEREFORE,

1. This matter shall be remanded to the San Francisco County Superior Court. The Clerk shall close the file and send it back to the San Francisco County Superior Court.

IT IS SO ORDERED.

Dated: October 14, 2008, 2008



The Honorable William H. Alsup  
United States District Judge