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11 **IN THE UNITED STATES DISTRICT COURT**
12 **IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA**

13 CHARLES J. JOHNSON,
14 Plaintiff,
15 vs.
16 ASBESTOS DEFENDANTS (BP), et al.,
17 Defendants.

No. C09-01069 ~~MEJ~~ *VRW*
STIPULATION TO DISMISS
DEFENDANT CROWN CORK & SEAL
AND REMAND CASE TO SAN
FRANCISCO SUPERIOR COURT

18 Come now Plaintiffs CHARLES J. JOHNSON ("Plaintiff") and Defendant CROWN
19 CORK AND SEAL COMPANY INC. ("CC&S"), who file the following stipulation pursuant to
20 Local Rules 7-1 and 7-12:

21 WHEREAS, defendant CC&S removed this case to the United State District Court for
22 the Northern District of California on March 11, 2009, on the ground that the court has "federal
23 officer" subject matter jurisdiction under 28 United States Code § 1442(a) based on Plaintiff
24 allegations that his injury was caused by products designed and manufactured by CC&S under
25 the supervision and control of the United States government;

26 WHEREAS, Defendant CC&S was the sole removing defendant and no other defendant
27 joined in removal or filed a separate notice of removal;

28 WHEREAS, Plaintiff and Defendant CC&S, the affected parties, have now reached a
resolution of Plaintiff' claims again CC&S;

1 WHEREAS, Defendant CC&S's desire for a federal forum for this action is now moot
2 and given the resolution of Plaintiff' claims against it; and

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

9 Dated: March 16, 2009

BRAYTON ♦ PURCELL LLP

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11 By: *Richard M. Grant*
12 Richard M. Grant
13 Attorneys for Plaintiffs CHARLES J. JOHNSON

14 Dated: March 16, 2009

ARMSTRONG & ASSOCIATES, LLP

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16 By: *Mahsorn Kashani*
17 Attorneys for Defendant CROWN CORK &
18 SEAL

19 **PURSUANT TO STIPULATION, IT IS SO ORDERED.** Case is REMANDED to the
20 Superior Court of California, County of San Francisco, Case No 274919. The Clerk shall send
21 a certified copy of this Order to the Clerk of the Court for the Superior Court of California,
22 County of San Francisco.
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25 Dated: March 27, 2009 By: _____

