

1 ALAN R. BRAYTON, ESQ., S.B. #73685  
2 RICHARD M. GRANT, ESQ., S.B. #55677  
3 BRAYTON ♦ PURCELL LLP  
4 ATTORNEYS AT LAW  
5 222 Rush Landing Road  
6 P.O. Box 6169  
7 Novato, California 94948-6169  
8 (415) 898-1555

9 Attorneys for Plaintiffs

10  
11 **IN THE UNITED STATES DISTRICT COURT**  
12 **IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA**

13 MARCELLUS STEFFENS, et al,

14 Plaintiffs,

15 vs.

16 ASBESTOS DEFENDANTS (BP), et al.,

17 Defendants.

No. C09-01124 JSW

STIPULATION TO DISMISS  
DEFENDANT CROWN CORK & SEAL  
AND REMAND CASE TO SAN  
FRANCISCO SUPERIOR COURT

18 Come now Plaintiffs MARCELLUS STEFFENS, et al. ("Plaintiffs") and Defendant  
19 CROWN CORK AND SEAL COMPANY INC. ("CC&S"), who file the following stipulation  
20 pursuant to 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 13, 2009, on the ground that the court has "federal  
23 officer" subject matter jurisdiction under 28 United States Code § 1442(a) based on Plaintiffs'  
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, Plaintiffs and Defendant CC&S, the affected parties, have now reached a  
resolution of Plaintiffs' claims against CC&S;

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

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

Dated: March 18, 2009

BRAYTON ♦ PURCELL LLP

By:   
Richard M. Grant  
Attorneys for Plaintiffs

Dated: March 18, 2009

ARMSTRONG & ASSOCIATES, LLP

By:   
Attorneys for Defendant CROWN CORK & SEAL

**PURSUANT TO STIPULATION, IT IS SO ORDERED.** Case is REMANDED to the Superior Court of California, County of San Francisco, Case No 274457. The Clerk shall send a certified copy of this Order to the Clerk of the Court for the Superior Court of California, County of San Francisco.

Dated: March 19, 2009

By:   
UNITED STATES DISTRICT COURT

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PROOF OF SERVICE

I am employed in the County of Marin, State of California. I am over the age of 18 years and am not a party to the within action. My business address is 222 Rush Landing Road, Novato, California 94948-6169.

On March 19, 2009, I served the attached:

**STIPULATION TO DISMISS DEFENDANT CROWN CORK AND SEAL AND REMAND CASE TO SAN FRANCISCO SUPERIOR COURT**

on the interested parties in this action by transmitting a true copy thereof in a sealed envelope, and each envelope addressed as follows:

**TO ALL PARTIES ON THE ATTACHE SERVICE LIST**

XXX

BY OFFICE MAILING: I am readily familiar with this office's practice of collection and processing correspondence, pleadings and other matters for mailing with the United States Postal Service on that same day with postage thereon fully prepaid at Novato, California in the ordinary course of business. I placed in the outgoing office mail, the above-described document(s), in a sealed envelope, addressed to the party(ies) as stated above, for collection and processing for mailing the same day in accordance with ordinary office practices.

Executed this March 19, 2009 at Novato, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

  
\_\_\_\_\_  
JANE A. EHNI

Marcellus Steffens, et al. v. Asbestos Defs.  
U.S.D.C. No. C09-01124 JSW

BRAYTON ♦ PURCELL  
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NOVATO, CALIFORNIA 94945  
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Date Created: 3/19/2009-10:43:33 AM  
 Created by: LitSupport - ServiceList - Reporting  
 Matter Number: 107692.001 - Marcellus Steffens

Run By : Ehni, Jane (JAE)

**Armstrong & Associates, LLP**  
 One Kaiser Plaza, Suite 625  
 Oakland, CA 94612  
 510-433-1830 510-433-1836 (fax)

**Defendants:**  
 Crown Cork & Seal Company, Inc.  
 (CC&S)

**Bassi, Edlin, Huie & Blum LLP**  
 351 California Street, Suite 200  
 San Francisco, CA 94104  
 415-397-9006 415-397-1339 (fax)

**Defendants:**  
 J.T. Thorpe & Son, Inc. (THORPE)  
 Parker-Hannifin Corporation (PARKHF)

**Berry & Berry**  
 P.O. Box 16070  
 2930 Lakeshore Avenue  
 Oakland, CA 94610  
 510-835-8330 510-835-5117 (fax)

**Defendants:**  
 Berry & Berry (B&B)

**Bowman and Brooke LLP**  
 879 West 190<sup>th</sup> Street  
 Suite 700  
 Gardena, CA 90248-4227  
 310-768-3068 310-719-1019 (fax)

**Defendants:**  
 Ford Motor Company (FORD)  
 General Motors Corporation (GM)

**Bowman and Brooke LLP**  
 1741 Technology Drive  
 Suite 200  
 San Jose, CA 95110  
 408-279-5393 408-279-5845 (fax)

**Defendants:**  
 Euclid-Hitachi Heavy Equipment, Inc.  
 (EUCHIT)

**Brydon Hugo & Parker**  
 135 Main Street, 20<sup>th</sup> Floor  
 San Francisco, CA 94105  
 415-808-0300 415-808-0333 (fax)

**Defendants:**  
 Foster Wheeler LLC (FKA Foster Wheeler  
 Corporation) (FOSTER)

**Burnham & Brown**  
 1901 Harrison Street  
 11<sup>th</sup> Floor  
 Oakland, CA 94612  
 510-444-6800 510-835-6666 (fax)

**Defendants:**  
 York International Corporation (YORKIN)

**Cooley, Manion, Jones, Hake, & Kurowski  
 LLP**  
 201 Spear Street  
 Suite 1800  
 San Francisco, CA 94105  
 415-512-4381 415-512-6791 (fax)

**Defendants:**  
 A.W. Chesterton Company (CHESTR)

**Crosby & Rowell, LLP**  
 299 Third Street, 2<sup>nd</sup> Floor  
 Oakland, CA 94607  
 510-267-0300 510-839-6610 (fax)

**Defendants:**  
 Goulds Pumps, Inc. (GOULDP)

**Foley & Mansfield PLLP**  
 1111 Broadway, 10<sup>th</sup> Floor  
 Oakland, CA 94607  
 510-590-9500 510-590-9595 (fax)

**Defendants:**  
 Special Electric Company, Inc. (SECINC)

**Gordon & Rees LLP**  
 Embarcadero Center West  
 275 Battery Street, 20<sup>th</sup> Floor  
 San Francisco, CA 94111  
 415-986-5900 415-986-8054 (fax)

**Defendants:**  
 Goodyear Tire & Rubber Company, The  
 (GOODYR)  
 Ingersoll-Rand Company (INGRSL)  
 Leslie Controls, Inc. (LESCON)

**Howard Rome Martin & Ridley**  
 1775 Woodside Road, Suite 200  
 Redwood City, CA 94061  
 650-365-7715 650-364-5297 (fax)

**Defendants:**  
 IMO Industries, Inc. (IMOIND)

**Jackson & Wallace**  
 55 Francisco Street  
 Sixth Floor  
 San Francisco, CA 94133  
 415-982-6300 415-982-6700 (fax)

**Defendants:**  
 General Dynamics Corporation  
 (GENDYN)

**K & L Gates LLP**  
 Four Embarcadero Center  
 Suite 1200  
 San Francisco, CA 94111  
 415-882-8200 415-882-8220 (fax)

**Defendants:**  
 Crane Co. (CRANCO)

**Knox Ricksen LLP**  
 1300 Clay Street, Suite 500  
 Oakland, CA 94612-1427  
 510-285-2500 510-285-2505 (fax)

**Defendants:**  
 Allis-Chalmers Corporation Product  
 Liability Trust (ALLIS)

**Law Offices of Glaspy & Glaspy**  
 One Walnut Creek Center  
 100 Pringle Avenue, Suite 750  
 Walnut Creek, CA 94596  
 925-947-1300 925-947-1594 (fax)

**Defendants:**  
 Garlock Sealing Technologies, LLC  
 (GARLCK)

**Law Offices of Nancy E. Hudgins**  
 565 Commercial, 4<sup>th</sup> Floor  
 San Francisco, CA 94111  
 415-979-0100 415-979-0747 (fax)

**Defendants:**  
 Uniroyal Holding, Inc. (UNIROY)

**Lewis Brisbois Bisgaard & Smith LLP**  
 221 North Figueroa Street  
 Suite 1200  
 Los Angeles, CA 90012  
 213-250-1800 213-580-7942 (fax)

**Defendants:**  
 Advocate Mines, Ltd. (ADVMIN)

**McKenna Long & Aldridge**  
 101 California Street  
 41<sup>st</sup> Floor  
 San Francisco, CA 94111  
 415-267-4000 415-267-4198 (fax)

**Defendants:**  
 Certainteed Corporation (CERT)

**Morgan, Lewis & Bockius LLP**  
 One Market, Spear Tower  
 San Francisco, CA 94105  
 415-442-1000 415-442-1001 (fax)

**Defendants:**  
 Henry Pratt Company (HENPRA)  
 Yarway Corporation (YARWAY)

**Nixon Peabody LLP**  
 One Embarcadero  
 18<sup>th</sup> Floor  
 San Francisco, CA 94111  
 415-984-8200 866-542-6538 (fax)

**Defendants:**  
 Chrysler LLC (CHRYSS)

Date Created: 3/19/2009-10:43:33 AM  
Created by: LitSupport - ServiceList - Reporting  
Matter Number: 107692.001 - Marcellus Steffens

Run By : Ehni, Jane (JAE)

**Perkins Coie LLP**

Four Embarcadero Center, Suite 2400  
San Francisco, CA 94111  
415-344-7000 415-344-7288 (fax)

**Defendants:**

Honeywell International, Inc. (HONEYW)

**Pond North, LLP**

350 South Grand Avenue, Suite 2850  
Los Angeles, CA 90071  
213-617-6170 213-623-3594 (fax)

**Defendants:**

Viacom, Inc. (VIACOM)

**Schiff Hardin LLP**

One Market Plaza  
Spear Street Tower, 32<sup>nd</sup> Floor  
San Francisco, CA 94105  
415-901-8700 415-901-8701 (fax)

**Defendants:**

Deere & Company (DEERE)  
Owens-Illinois, Inc. (OI)

**Sedgwick, Detert, Moran & Arnold**

One Market Plaza  
Steuart Tower, 8<sup>th</sup> Floor  
San Francisco, CA 94105  
415-781-7900 415-781-2635 (fax)

**Defendants:**

Caterpillar, Inc. (CAT)  
Perkins Engines, Inc. (PRKLTD)  
Scandura, Inc. (SCANDU)

**Sonnenschein Nath & Rosenthal, LLP**

525 Market Street, 26<sup>th</sup> Floor  
San Francisco, CA 94105-2708  
415-882-5000 415-882-0300 (fax)

**Defendants:**

Rapid-American Corporation (RAPID)

**Vogl & Meredith**

456 Montgomery Street  
20<sup>th</sup> Floor  
San Francisco, CA 94104  
415-398-0200 415-398-2820 (fax)

**Defendants:**

Pipeco Holding, Inc. (PIPHOL)

**Walsworth, Franklin, Bevins & McCall**

601 Montgomery Street, 9<sup>th</sup> Floor  
San Francisco, CA 94111  
415-781-7072 415-391-6258 (fax)

**Defendants:**

C.H. Murphy/Clark-Ullman, Inc.  
(MURULL)  
Quintec Industries, Inc. (QUINTC)  
SVI Corporation (SVICOR)  
Thomas Dee Engineering Co., Inc. (DEE)

**Wilson, Elser, Moskowitz, Edelman &**

**Dicker LLP**  
525 Market Street, 17<sup>th</sup> Floor  
San Francisco, CA 94105-2725  
415-433-0990 415-434-1370 (fax)

**Defendants:**

Asbestos Corporation Limited (ASBLTD)