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 7 Wells Fargo Bank, N.A., successor by
 merger to Wells Fargo Home Mortgage
 8

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11

12 Josefino Velarde and Carmelita Mendoza
 Velarde,

13 Plaintiffs,

14 vs.

15 Wells Fargo Bank N.A., a National
 16 Association; Goldpointe Financial Services, a
 business entity, form unknown; First American
 17 LoanStar Services, LLC, a Texas limited
 liability company, and DOES 1 to 100,
 18 inclusive,

19 Defendants.
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Case No.: 3:10-cv-02255-MMC

Assigned to the Hon. Maxine M. Chesney
 for all purposes

**STIPULATION AND ~~PROPOSED~~
 ORDER REMANDING ACTION TO
 STATE COURT**

Date: *
 Time: *
 Courtroom: *
 Trial Date: Not yet set

Complaint Filed: April 23, 2010

1 Because the operative complaint does not contain any federal claims, the parties hereby
2 stipulate to the following:

3 1. A remand of this action is appropriate. Plaintiff has declined to plead any federal
4 claims in the operative complaint, and as such this Court lacks federal question jurisdiction.

5 2. The Second Amended Complaint contains a claim already dismissed with
6 prejudice. In particular, the claim for "Negligence Per Se (Violation of Cal. Civ. Code §§ 2923.5
7 & 2924)" was dismissed by the District Court on September 2, 2010. (Docket #41.) The parties
8 hereby stipulate that following remand, Plaintiff will file a Third Amended Complaint within 20
9 days. The Third Amended Complaint will remove the offending claim described above. Due to
10 the stipulated Third Amended Complaint, Defendants need not file a response to the Second
11 Amended Complaint.

12 3. The federal claims already voluntarily dismissed by Plaintiff are hereby dismissed
13 with prejudice.

14 IT IS SO STIPULATED:

15 DATED: October 8, 2010

16 By: 
17 Stephen Conrad Ruehmann

18 Attorneys for Plaintiffs
19 Carmelita M. Velarde and Josefino Velarde

20 DATED: October 8, 2010

21 SEVERSON & WERSON
22 A Professional Corporation

23 By: /s/ Casey J. McTigue
24 Casey J. McTigue

25 Attorneys for Defendant
26 Wells Fargo Bank, N.A., successor by merger to
27 Wells Fargo Home Mortgage

28 DATED: October 8, 2010

LAW OFFICES OF GLENN H. WECHSLER

By: /s/ Lawrence D. Harris
Lawrence D. Harris

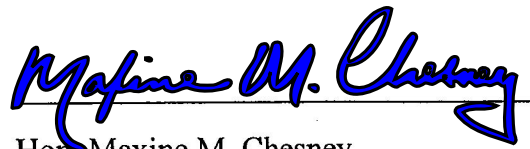
Attorneys for Defendant
First American LoanStar Services, LLC

~~PROPOSED~~ ORDER

Pursuant to the Stipulation above, the captioned matter is hereby remanded to the Superior Court of California, in and for the County of San Mateo.

IT IS SO ORDERED.

Dated: October 22, 2010



Hon. Maxine M. Chesney
UNITED STATES DISTRICT JUDGE