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10 Attorneys for Defendant,
 11 SUNRISE SENIOR LIVING MANAGEMENT, INC.

12 **UNITED STATES DISTRICT COURT**
 13 **NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO**

14 ELEANOR WILSON, by and through
 15 her Guardian ad Litem DEBORAH GRAY,
 16
 17 Plaintiff,

Case No.: CV 10 2880 EMC
 [RE: Sonoma County Superior Court
 Case No. SCV 246937]

18 vs.
 19 SUNRISE SENIOR LIVING
 20 MANAGEMENT, INC, and Does 1-20,
 21 inclusive.
 22 Defendants.

**[PROPOSED] ORDER TO
 REMAND UPON STIPULATION**

Trial Date: None

23 In light of the Stipulation to Remand by and between the parties, plaintiff
 24 Eleanor Wilson, by and through her Guardian ad Litem, Deborah Gray, and
 25 defendant Sunrise Senior Living Management, Inc., through their respective
 26 counsel of record, which is attached to this Order as “Exhibit 1” and incorporated
 27 herein by reference, and based on plaintiff’s post removal stipulation as to the
 28 reduced amount in controversy, and that the amount in controversy no longer
 satisfies the jurisdictional requirements to maintain this action in the United States

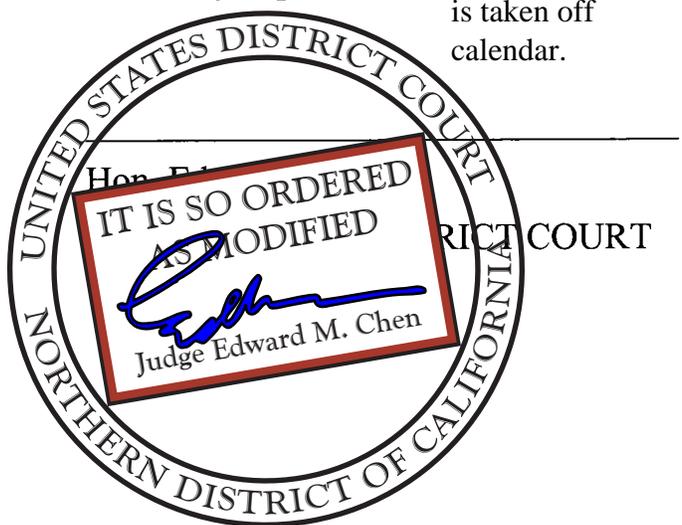
1 District Court pursuant to 28 U.S.C. §§ 1332 and 1441,

2 The Court hereby finds good cause to remand this case, and hereby orders
3 that the entire above-captioned action be remanded to the Superior Court for the
4 State of California for the County of Sonoma.

5 It is further ordered that this order to remand shall not affect defendant
6 Sunrise Senior Living Management, Inc.'s right to remove the action again if
7 plaintiff tries to avoid the amount in controversy stipulation.

The 9/22/10 hearing
is taken off
calendar.

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9 Dated: 9/21/10 _____



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EXHIBIT 1

1 Michael P. West, Esq., State Bar No.: 172478
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10 Attorneys for Defendant,
11 **SUNRISE SENIOR LIVING MANAGEMENT, INC.**

12 **UNITED STATES DISTRICT COURT**

13 **NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO**

14 ELEANOR WILSON, by and through
15 her Guardian ad Litem DEBORAH
16 GRAY,

17 Plaintiff,

18 vs.

19 SUNRISE SENIOR LIVING
20 MANAGEMENT, INC, and Does 1-
21 20, inclusive.

22 Defendants.

Case No.: CV 10 2880 EMC

[RE: Sonoma County Superior Court
Case No. SCV 246937]

STIPULATION TO REMAND

Assigned to: Hon. Edward M. Chen

Trial Date: None

23
24 **WHEREAS** the entire above-captioned matter, having been removed by
25 defendant Sunrise Senior Living Management, Inc. to the United States District
26 Court for the Northern District of California, pursuant to 28 U.S.C. §§ 1332 and
27 1441 on June 30, 2010, on the grounds that there exists complete diversity of
28 citizenship, as plaintiff and the defendant are not citizens of the same state, and the

1 amount in controversy exceeds \$75,000, exclusive of interest and costs;

2 **WHEREAS**, after removal was effected, plaintiff Eleanor Wilson, by and
3 through her counsel of record herein, has stipulated that plaintiff's alleged
4 damages, inclusive of interest, costs, and attorneys' fees, are under \$75,000, that
5 plaintiff will not seek more than \$75,000 in state court, that plaintiff will not
6 accept more than \$75,000 at trial, that there is no potential claim for damages in
7 this case that exceeds \$75,000, and that plaintiff waives any right to avoid the
8 stipulation based on newly-discovered or unknown facts, as set forth in the
9 Stipulation attached hereto as Exhibit "1";

10 **WHEREAS**, the parties hereby acknowledge that based on plaintiff's post
11 removal stipulation as to the reduced amount in controversy, the amount in
12 controversy no longer satisfies the jurisdictional requirements to maintain this
13 action in the United States District Court pursuant to 28 U.S.C. §§ 1332 and 1441;

14 **IT IS HEREBY STIPULATED**, by and between the parties, through their
15 respective counsel of record, that the entire above-captioned action be remanded to
16 the Superior Court for the State of California for the County of Sonoma.
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IT IS HEREBY FURTHER STIPULATED, that a remand shall not affect defendant's right to remove the action again and seek monetary sanctions if plaintiff tries to avoid the amount in controversy stipulation.

Dated: August 31, 2010

LAW OFFICES OF WILLIAM G. McDEVITT

By: 
William G. McDevitt

Attorneys for Plaintiff,
ELEANOR WILSON, by and through her
Guardian, DEBORAH GRAY

Dated: August 31, 2010

MORRIS POLICH & PURDY LLP

By: 
Michael P. West, Esq.
Lori D. Marquardt, Esq.

Attorneys for Defendant,
SUNRISE SENIOR LIVING
MANAGEMENT, INC.

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5 Attorneys for Defendant,
 6 **SUNRISE SENIOR LIVING MANAGEMENT, INC.**

7
 8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
 9 **FOR THE COUNTY OF SONOMA – SANTA ROSA DIVISION**

11 **ELEANOR WILSON**, by and through her
 12 **Guardian Ad Litem, DEBORAH GRAY,**
 13 **Plaintiff,**

14 vs.

15 **SUNRISE OF PETALUMA**, and Does 1 to 20,
 16 **inclusive,**
 17 **Defendants.**

Case No.: SCV 246937

[United States District Court Case No.:
 CV-10 2880 EMC]

**STIPULATION RE: AMOUNT IN
 CONTROVERSY**

[Complaint Filed: February 26, 2010]
 Trial Date: None Set

19 Plaintiff Eleanor Wilson (“plaintiff”) and defendant Sunrise Senior Living Management, Inc.
 20 (“defendant”), by and through their respective counsel of record, hereby stipulate to the following
 21 terms regarding the amount in controversy in the above-captioned matter:

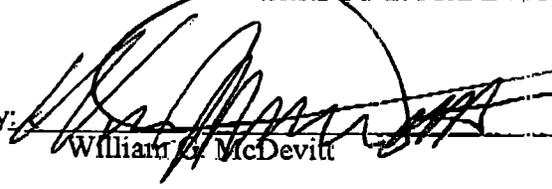
- 22 1. Plaintiff’s alleged damages, inclusive of interest, costs, and attorneys’ fees, are under
- 23 \$75,000;
- 24 2. Plaintiff will not seek more than \$75,000 in the Superior Court of the State of California
- 25 for the County of Sonoma;
- 26 3. Plaintiff will not accept more than \$75,000 at trial in this matter;
- 27 4. There is no potential claim for damages in this case, inclusive of interest, costs, and
- 28 attorneys’ fees, that exceeds \$75,000; and,

1 5. Plaintiff waives any right to avoid the stipulation based on newly-discovered or
2 unknown facts.

3 It is further stipulated that in reliance on the express terms of the stipulation regarding the
4 amount in controversy, defendant has agreed to stipulate to remand the entire action which had been
5 removed to the United States District Court for the Southern District of California back to the
6 Superior Court of California for the County of Sonoma.

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8 Dated: ^{Sept} ~~August~~ 17, 2010

LAW OFFICES OF WILLIAM G. McDEVITT

9
10
11 By: 
William G. McDevitt

12 Attorneys for Plaintiffs,
13 ELEANOR WILSON, by and through her
14 Guardian, DEBORAH GRAY

15 Dated: ^{September} ~~August~~ 17, 2010

MORRIS POLICH & PURDY, LLP

16
17
18 By: 
19 Michael P. West, Esq.

20 Attorneys for Defendant, SUNRISE SENIOR
21 LIVING MANAGEMENT, INC.

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1 CERTIFICATE OF SERVICE

2
3 Wilson, et al. vs. Sunrise Senior Living Management, Inc.

4 U.S. District Court – Northern District – San Francisco- Case No. CV 10 2880 EMC

5 I, Jeri Lynn Gregory, certify and declare as follows:

6 I am over the age of 18 years and not a party to this action.

7 My business address is 1055 W. Seventh Street, 24th Floor, Los Angeles,
8 California 90017, which is located in the city, county and state where the mailing
9 described below took place.

10 On September 20, 2010, pursuant to the Court’s Electronic Filing System, I
11 submitted an electronic version of the following document(s) via file transfer
12 protocol to ECF (Electronic Case Filing)

13 **“[PROPOSED] ORDER TO REMAND UPON STIPULATION”**

14 and a true copy of this document was served electronically upon all counsel of
15 record by the Court’s CM/ECF System, or if such service is not authorized, by
16 first class mail, in accordance with Rule 5 of the Federal Rules of Civil
17 Procedure.

18 I declare that I am employed in the office of a member of the bar of this
19 court at whose direction the service was made

20
21 Executed on September 20, 2010, at Los Angeles, California.

22
23 
24 _____
25 Jeri Lynn Gregory