

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CAROLYN SANGERVASI,)
)
 Plaintiff(s),)
)
 v.)
)
 TARGET CORPORATION, et al.,)
)
)
 Defendant(s).)
 _____)

No. C10-4810 BZ

**ORDER GRANTING PLAINTIFF'S
MOTION TO REMAND**

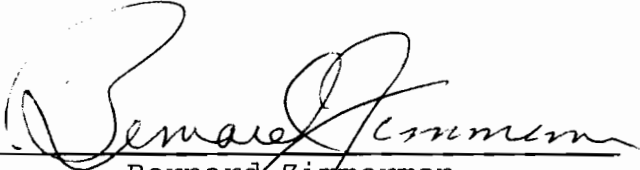
Construing removal jurisdiction strictly, I find that defendants have failed to establish that Amy Dabner was named as a "sham defendant." I find that plaintiff can amend her complaint to state a cause of action against Ms. Dabner under the settled law of California. See for example Roby v. McKesson Corp., 47 Cal.4th, 686, 709 (2009); Niami v. Federal Express Print Services, Inc., 2010 WL 958045 (N.D.Ca 2010).

IT IS THEREFORE ORDERED that plaintiff's motion for remand is **GRANTED**. The Clerk shall transfer the file to the Marin County Superior Court. The Court no longer having

///
///

1 jurisdiction, defendant's motion to dismiss is **TAKEN OFF**
2 **CALENDAR.**

3 Dated: February 9, 2011


Bernard Zimmerman
United States Magistrate Judge

6 G:\BZALL\BZCASES\SANGERVASI V. TARGET\ORDER GRANTING PLTF MOTION TO
7 REMAND.wpd

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28