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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

RONALD TOMAN; and THERESA TOMAN,

Case No: CV-11-04747 WHA

Plaintiffs,

vs.

DEPUY ORTHOPAEDICS, INC.; THOMAS
P. SCHMALZRIED, M.D. A PROFESSIONAL
CORPORATION; and DOES 1 through
20, inclusive,

**STIPULATION AND ~~PROPOSED~~ ORDER
TO REMAND CASE TO SAN FRANCISCO
SUPERIOR COURT**

Defendants.

On September 22, 2011, Defendant DePuy Orthopaedics, Inc. ("DePuy") removed the above-captioned case, *Toman, et al., v. DePuy Orthopaedics, Inc., et al.*, N.D. California, Case No. CV-11-04747 WHA, to the United States District Court, Northern District of California pursuant to 28 U.S.C. § 1441(b). Defendant Thomas P. Schmalzried, a professional corporation ("Schmalzried") did not join in the removal. On September 29, 2011, Plaintiffs timely filed a Motion to Remand contesting federal removal jurisdiction. On October 13, 2011, DePuy filed a Notice of Non-Opposition to the Plaintiffs' Motion to Remand.

Now, therefore, Plaintiffs and DePuy hereby stipulate and agree that this case be remanded to San Francisco Superior Court.

IT IS SO STIPULATED:

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Dated: October 17, 2011

LEVIN SIMES KAISER & GORNICK LLP

By: /s/ Laura M. Brandenberg
Lawrence J. Gornick, Esq.
Laura Brandenberg, Esq.
Attorneys for Plaintiffs

Dated: October 17, 2011

YUKEVICH CALFO & CAVANAUGH

By: /s/ Alexander G. Calfo
Alexander G. Calfo
Kelley S. Olah
Attorneys for Defendant DEPUY
ORTHOPAEDICS, INC.

Pursuant to Stipulation of the parties, this action is REMANDED to San Francisco Superior Court. **THE CLERK SHALL FORWARD THE FILE.** All hearings in this matter are **VACATED.**
PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: October 18, 2011.


HONORABLE WILLIAM ALSUP