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

10 RONALD TOMAN; and THERESA TOMAN,

Case No: CV-11-04747 WHA

11 Plaintiffs,

12 vs.

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

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

15 Defendants.  
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 18 On September 22, 2011, Defendant DePuy Orthopaedics, Inc. ("DePuy") removed the above-  
 19 captioned case, *Toman, et al., v. DePuy Orthopaedics, Inc., et al.*, N.D. California, Case No. CV-11-  
 20 04747 WHA, to the United States District Court, Northern District of California pursuant to 28 U.S.C.  
 21 § 1441(b). Defendant Thomas P. Schmalzried, a professional corporation ("Schmalzried") did not join  
 22 in the removal. On September 29, 2011, Plaintiffs timely filed a Motion to Remand contesting federal  
 23 removal jurisdiction. On October 13, 2011, DePuy filed a Notice of Non-Opposition to the Plaintiffs'  
 Motion to Remand.

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

26 IT IS SO STIPULATED:  
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2 Dated: October 17, 2011

LEVIN SIMES KAISER & GORNICK LLP

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

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7 Dated: October 17, 2011

YUKEVICH CALFO & CAVANAUGH

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

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

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17 Dated: October 18, 2011.

  
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HONORABLE WILLIAM ALSUP