

1 ETHAN A. HORN, ESQ. (SBN 190296)
 2 CONOR R. NIDEFFER, ESQ. (SBN 253931)
 3 **NAPOLI BERN RIPKA SHKOLNIK & ASSOCIATES LLP**
 4 111 Corporate Drive, Suite 225
 Ladera Ranch, California 92694
 Telephone: (949) 234-6032
 Facsimile: (949) 429-0892

5 Attorneys for Plaintiff

6
 7
 8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**
 10

11 NORVIN SUNDEEN,
 12 Plaintiff,
 13 vs.
 14 BF GOODRICH COMPANY, et al.
 15 Defendants
 16

CASE NO. 3:12-cv-01578-MMC
 Hon. Maxine M. Chesney

**STIPULATION AND ORDER TO
 DISMISS DEFENDANTS
 NORTHROP GRUMMAN
 SYSTEMS CORPORATION AND
 THE BOEING COMPANY AND
 REMAND CASE TO CALIFORNIA
 SUPERIOR COURT**

AND ORDER THEREON

17
 18
 19 Comes now Plaintiff NORVIN SUNDEEN ("Plaintiff") and Defendants
 20 NORTHROP GRUMMAN SYSTEMS CORPORATION (erroneously sued as Northrop
 21 Grumman Corporation) ("Northrop Grumman") and THE BOEING COMPANY,
 22 individually and as successor by merger to McDonnell Douglas Corporation
 23 (erroneously sued as "Boeing Co." and "McDonnell Douglas Corp. (a/k/a/ Boeing Co.)")
 24 ("Boeing"), who file the following joint stipulation pursuant to Local Rules 7-1 and 7-
 25 12:

26 WHEREAS, Defendant Northrop Grumman removed this case to the United
 27 States District Court for the Northern District of California on March 29, 2012, on the
 28

1 grounds that the Court has “federal officer” subject matter jurisdiction under 28 United
2 States Code § 1442(a)(1).; and

3 WHEREAS, Boeing filed its joinder to said removal on March 30, 2012, and
4 asserted its own independent grounds for removal based on “federal officer” subject
5 matter jurisdiction under 28 United States Code § 1442(a)(1).

6 WHEREAS, Plaintiff and Defendants Northrop Grumman and Boeing, the
7 affected parties, have now agreed that Plaintiff will dismiss Northrop Grumman and
8 Boeing from this action without prejudice; and

9 WHEREAS, Defendants Northrop Grumman and Boeing’s desire for a federal
10 forum for this action is now moot given the dismissal without prejudice of Plaintiff’s
11 claims against it; and

12 WHEREAS, Plaintiff’s willingness to stipulate to the dismissal without prejudice
13 of this action against Northrop Grumman and Boeing is conditioned upon the remand of
14 this case in its entirety to the Superior Court of the State of California, County of
15 Alameda; and the willingness of Northrop Grumman and Boeing to stipulate to the
16 remand of this action to state court is conditioned upon the dismissal without prejudice
17 of all of Plaintiff’s claims against them.

18 WHEREAS, pursuant to this resolution of the parties, Plaintiff and Defendants
19 Northrop Grumman and Boeing seek to have this action remanded to state court;

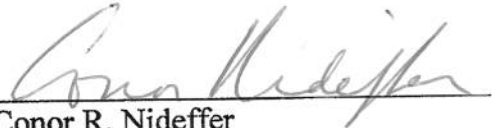
20 IT IS HEREBY STIPULATED by the affected parties, Plaintiff and Defendants
21 Northrop Grumman and Boeing, that the claims against Defendants Northrop Grumman
22 and Boeing shall be, and hereby are, dismissed without prejudice pursuant to Rule 41 of
23 the Federal Rules of Civil Procedure.

24 IT IS FURTHER STIPULATED among Plaintiff and Defendants Northrop
25 Grumman and Boeing that, upon the dismissal of Northrop Grumman and Boeing, this
26 action shall be and hereby is immediately remanded to the Superior Court of the State of
27

1 California for Alameda County, Case No. RG12618605, the court in which it was
2 originally filed and from which it was removed.


3
4 Dated: May 10, 2012

NAPOLI BERN RIPKA SHKOLNIK &
ASSOCIATES LLP

5
6 By: 
7 Conor R. Nideffer
8 Attorney for Plaintiff

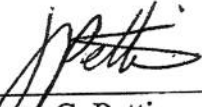
9 Dated: May 10, 2012

TUCKER ELLIS LLP

10
11 By: 
12 Daniel J. Kelly
13 John K. Son
14 Attorney for Defendant NORTHROP
GRUMMAN SYSTEMS
CORPORATION

15 Dated: May 10, 2012


BRYAN CAVE LLP

16
17 By: 
18 James C. Pettis
19 Attorney for Defendant THE BOEING
20 COMPANY

1 **PROPOSED ORDER**

2 PURSUANT TO THE STIPULATION, IT IS SO ORDERED. Defendants
3 Northrop Grumman Systems Corporation and The Boeing Company are dismissed
4 without prejudice and this case is REMANDED to the Superior Court of the State of
5 California for Alameda County, Case No. RG12618605. The Clerk shall send a certified
6 copy of this Order to the Clerk of the Court for the Superior Court of the State of
7 California for Alameda County. **THE CLERK SHALL CLOSE THE FILE.**

8
9 Dated: May 15, 2012

10 
11 HON. MAXINE M. CHESNEY
12 UNITED STATES DISTRICT COURT
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28