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10 Attorneys for Plaintiff

11 **UNITED STATES DISTRICT COURT**  
 12 **NORTHERN DISTRICT OF CALIFORNIA**

13 THOMAS MORRIS,  
 14 Plaintiff,  
 15 vs.  
 16 C.C. MOORE & CO. ENGINEERS, et al.,  
 17 Defendants.

No. CV- 12-2790 S1  
 STIPULATION TO DISMISS  
 DEFENDANT SPIRAX SARCO, INC.  
 AND REMAND CASE TO CALIFORNIA  
 SUPERIOR COURT

BRAYTON ♦ PURCELL LLP  
 ATTORNEYS AT LAW  
 222 RUSH LANDING ROAD  
 P.O. BOX 6169  
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18 Comes now Plaintiff THOMAS MORRIS ("Plaintiff") and Defendant SPIRAX  
 19 SARCO, INC. ("SPIRAX"), who file the following joint stipulation pursuant to Local Rules 7-1  
 20 and 7-12:

21 WHEREAS, Defendant SPIRAX removed this case to the United States District Court  
 22 for the Northern District of California on May 31, 2012, on the ground that the Court has  
 23 "federal officer" subject matter jurisdiction under 28 United States Code § 1442(a)(1); and

24 WHEREAS, Defendant SPIRAX was the sole removing defendant and no other  
 25 defendant joined in removal or filed a separate notice of removal; and

26 WHEREAS, Plaintiff and Defendant SPIRAX, the affected parties, have now agreed  
 27 that Plaintiffs will dismiss SPIRAX from this action without prejudice; and

28 WHEREAS, Defendant SPIRAX'S desire for a federal forum for this action is now

1 moot given the dismissal without prejudice of Plaintiff's claims against it; and

2 WHEREAS, pursuant to this resolution of the parties, Plaintiff and Defendant SPIRAX  
3 seek to have this action remanded to state court;

4 IT IS HEREBY STIPULATED by the affected parties, Plaintiff and Defendant  
5 SPIRAX, that the claims against Defendant SPIRAX shall be, and hereby are, dismissed  
6 without prejudice pursuant to Rule 41 of the Federal Rules of Civil Procedure and that this  
7 action shall be immediately remanded to the San Francisco County Superior Court, Case No.  
8 CGC-11-275757, the court in which it was originally filed and from which it was removed.

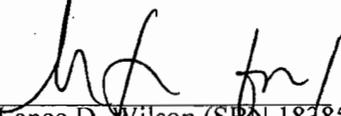
9  
10 DATED: June 21, 2012

BRAYTON❖ PURCELL LLP

11  
12 By:   
13 Richard M. Grant (SBN 55677)  
Attorneys for Plaintiff

14 DATED: June 21, 2012

TUCKER ELLIS & WEST LLP

15  
16 By:   
17 Lance D. Wilson (SBN 183852)  
18 Attorneys for Defendant  
SPIRAX SARCO, INC.

19 PURSUANT TO STIPULATION, IT IS SO ORDERED. Defendant SPIRAX SARCO,  
20 INC. is dismissed without prejudice and this case is REMANDED to the Superior Court of  
21 California, County of San Francisco, Case. No. CGC-11-275757. The Clerk shall send a  
22 certified copy of this Order to the Clerk of the Court for the Superior Court of California,  
23 County of San Francisco.

24  
25 Dated: 6/26/12

  
26 HON. SUSAN ILLSTON  
27 UNITED STATES DISTRICT COURT  
28

1 Thomas Morris v. C.C. Moore & Co. Engineers., et al.  
United States District Court, NDCA Case No. 3:12-cv-02790 SI

2  
3 CERTIFICATE OF SERVICE

4 I hereby certify that I electronically filed the following with the Clerk of the Court for  
the United States District Court by using the CM/ECF system on June 21, 2012:

5 STIPULATION TO DISMISS DEFENDANT SPIRAX SARCO, INC. AND REMAND  
6 CASE TO CALIFORNIA SUPERIOR COURT

7 Participants in the case who are registered CM/ECF users will be served by the CM/ECF  
8 system.

9 I further certify that some of the participants in the case are not registered CM/ECF  
users. I have mailed the foregoing document by First-Class Mail, postage paid.

10 Dated this 21<sup>st</sup> day of June 2012.

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14 Diane I. Davidowski

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Run By : Davidowski, Diane

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Suite 700  
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415-397-9006 415-397-1339 (fax)

**Defendants:**  
J.T. Thorpe & Son, Inc. (THORPE)  
Parker-Hannifin Corporation (PARKHF)

**Foley & Mansfield PLLP**  
300 Lakeside Drive, Suite 1900  
Oakland, CA 94612  
510-590-9500 510-590-9595 (fax)

**Defendants:**  
William Powell Company, The (WILPOW)

**Gordon & Rees LLP**  
Embarcadero Center West  
275 Battery Street, Suite 2000  
San Francisco, CA 94111  
415-986-5900 415-986-8054 (fax)

**Defendants:**  
Ingersoll-Rand Company (INGRSL)

**K & L Gates LLP**  
Four Embarcadero Center  
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San Francisco, CA 94111  
415-882-8200 415-882-8220 (fax)

**Defendants:**  
Crane Co. (CRANCO)

**McGivney, Kluger & Glaspy**  
100 Pringle Avenue  
Suite 750  
Walnut Creek, CA 94596  
925-947-1300 925-947-1594 (fax)

**Defendants:**  
Kentile Floors, Inc. (KEN)

**Morgan, Lewis & Bockius LLP**  
One Market, Spear Tower  
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415-442-1000 415-442-1001 (fax)

**Defendants:**  
Yarway Corporation (YARWAY)

**Pond North, LLP**  
350 South Grand Avenue  
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Los Angeles, CA 90071  
213-617-6170 213-623-3594 (fax)

**Defendants:**  
CBS Corporation (fka Viacom Inc., fka  
Westinghouse Electric Corporation)  
(VIACOM)

**Tucker Ellis LLP**  
135 Main Street, Suite 700  
San Francisco, CA 94105  
415-617-2400 415-617-2409 (fax)

**Defendants:**  
Spirax Sarco, Inc. (SPISAR)

**Walsworth, Franklin, Bevins & McCall, LLP**  
601 Montgomery Street, 9<sup>th</sup> Floor  
San Francisco, CA 94111  
415-781-7072 415-391-6258 (fax)

**Defendants:**  
Caterpillar, Inc. (CAT)  
General Electric Company (GE)  
Thomas Dee Engineering Company (DEE)