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6 Attorneys for Plaintiff
 BOBBIE E. THOMAS

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

11 BOBBIE E. THOMAS,

12 Plaintiff,

13 vs.
 14

15 AIR & LIQUID SYSTEMS CORPORATION, et
 al.,

16 Defendants.
 17

Case No. 3:13-CV-01618-JSW

**JOINT STIPULATION AND ~~PROPOSED~~
 ORDER TO DISMISS DEFENDANT
 FOSTER WHEELER LLC AND TO
 REMAND ACTION TO STATE COURT**

[United States District for the Northern District
 of California Civil Local Rule 7.12]

18 **STIPULATION**

19 Come now the Plaintiff, Bobbie E. Thomas (“Plaintiff”) and removing Defendant Foster
 20 Wheeler LLC (“Foster Wheeler”), who file their Joint Stipulation to Remand Action to State Court
 21 pursuant to United States District Court for the Northern District of California Civil Local Rule 7.12.

22 WHEREAS, Defendant Foster Wheeler removed this case to the United States District Court
 23 for the Northern District of California on April 11, 2013, on the found that the Court has “federal
 24 officer” subject matter jurisdiction under *42 United States Code* section 1442(a)(1);

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

27 WHEREAS, Plaintiff and Defendant Foster Wheeler, the affected parties, have now reached a
 28 resolution on Plaintiff’s claim against it;

1 WHEREAS, Plaintiff hereby dismisses his claim against Defendant Foster Wheeler, with
2 prejudice, and each party is to bear their own costs;

3 WHEREAS, Defendant Foster Wheeler's desire for a federal forum for this action is now moot
4 give the resolution of Plaintiff's claims against it; and

5 Whereas, pursuant to the parties' resolution, Plaintiff and Defendant Foster Wheeler seek to
6 have this action remanded to state court,

7 IT IS HEREBY STIPULATED by the affected parties, Plaintiff and Defendant Foster Wheeler,
8 that all claims against Defendant Foster Wheeler shall be, and hereby are, dismissed with prejudice
9 pursuant to *Federal Rule of Civil Procedure* 41 and that this action shall be, and hereby is,
10 immediately remanded to Alameda County Superior Court, the court in which it was originally filed
11 and from which it was removed.

12 The parties further stipulate to the extent that this case is not remanded to Alameda County
13 Superior Court, Defendant Foster Wheeler LLC will not be dismissed from this action.

14 IT IS SO STIPULATED.

15 Dated: April 19, 2013

LEVIN SIMES LLP

16 By: 
17

18 Timothy F. Pearce, Esq.
Attorneys for Plaintiff

19 Dated: April 19, 2013

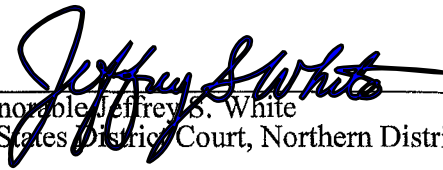
BRYDON HUGO & PARKER

20 By: 
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22 Thomas J. Moses, Esq.
Attorneys for Defendant Foster Wheeler LLC

23 PURSUANT TO STIPULATION, IT IS SO ORDERED.

24 Dated: April 22, 2013

25 
26 The Honorable Jeffrey S. White
27 United States District Court, Northern District of CA
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