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 10 Wells Fargo Bank Southwest, N.A., f/k/a Wachovia
 Mortgage, f/k/a World Savings Bank, FSB
 11

12 **UNITED STATES DISTRICT COURT**
 13 **NORTHERN DISTRICT OF CALIFORNIA**
 14 **SAN FRANCISCO DIVISION**

15 JOSELITO MENDOZA MALUNAY, an
 individual; and EDNA CAMPOSANO
 16 MALUNAY, an individual,

17 Plaintiffs,

18 v.

19 WELLS FARGO BANK, N.A. SUCCESSOR
 BY MERGER TO WELLS FARGO BANK
 20 SOUTHWEST, NA F/K/A WACHOVIA
 MORTGAGE FSB F/K/A WORLD SAVINGS
 21 BANK, FSB, a National Bank; NDex WEST,
 L.L.C., a Delaware limited liability company;
 22 ALL PERSONS UNKNOWN, CLAIMING
 ANY LEGAL OR EQUITABLE RIGHT,
 23 TITLE, ESTATE, LIEN OR INTEREST IN
 THE PROPERTY DESCRIBED IN THE
 24 COMPLAINT ADVERSE TO PLAINTIFFS'
 TITLE, OR ANY CLOUD UPON
 25 PLAINTIFFS' TITLE THERETO; and DOES
 1-25, INCLUSIVE,

26 Defendants.
 27
 28

Case No. C 13-02864-EMC

[Assigned for all purposes to the Hon. Edward
 M. Chen]

**STIPULATION TO REMAND ACTION TO
 STATE COURT**

Date: August 22, 2013
 Time: 1:30 p.m.
 Ctrm.: 5—17th Floor

Complaint Filed: June 12, 2013
 Trial Date: None Set

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WHEREAS, on June 12, 2013, the Plaintiffs filed their Complaint in San Mateo County Superior Court (the, "Action");

WHEREAS, Defendant NDex West, LLC has not appeared in the Action;

WHEREAS, on July 10, 2013, the Action was reassigned to the Honorable Charles R.

Breyer;

WHEREAS, on July 12, 2013, the Action was reassigned to the Honorable Edward M. Chen;

WHEREAS, the hearing on Wells Fargo's Motion to Dismiss is scheduled for August 22, 2013;

WHEREAS, on July 18, 2013, Plaintiffs' filed a Motion to Remand the Action to state court:

WHEREAS, Plaintiffs contend that there is no diversity and therefore the Action was improperly removed:

WHEREAS, Wells Fargo contends that the Action was properly removed and that its removal is supported by almost all Northern District authority (*See Deleon v. Wells Fargo Bank, N.A.*, 729 F.Supp.2d 1119, 1123 (N.D. Cal. 2010); *Nguyen v. Wells Fargo Bank, N.A.*, 749 F.Supp.2d 1022, 1027 (N.D. Cal. 2010); *Atienza v. Wells Fargo Bank, N.A.*, 2011 U.S. Dist. LEXIS 1738, *6 (N.D. Cal. Jan. 4, 2011); *Tse v. Wells Fargo Bank, N.A.*, 2011 U.S. Dist. LEXIS

1 6796, *8 (N.D. Cal. Jan. 19, 2011); *Giordano v. Wachovia Mortgage, FSB*, 2010 U.S. Dist.
2 LEXIS 136284, *5 (N.D. Cal. Dec. 14, 2010); *Moreno v. Wells Fargo Bank, N.A.*, 2011 U.S. Dist.
3 LEXIS 146195 (N.D. Cal. Dec. 21, 2011); *Sami v. Wells Fargo Bank*, 2012 U.S. Dist. LEXIS 38501
4 (N.D. Cal. March 21, 2012); *Crane v. Wells Fargo Bank*, 2013 U.S. Dist. LEXIS 101469, *6 (N.D. Cal.
5 July 19, 2013); *Flores v. Wells Fargo Bank, N.A.*, 2012 U.S. Dist. LEXIS 32648, *14-15 (N.D. Cal.
6 March 12, 2013).);

7 WHEREAS Wells Fargo nonetheless recognizes that this Court has considered the
8 question of Wells Fargo's citizenship and determined that Wells Fargo is a citizen of South Dakota
9 and California (*See Martinez v. Wells Fargo Bank, N.A.*, 2013 U.S. Dist. LEXIS 72075, *40 (N.D.
10 Cal. May 21, 2013).);

11 WHEREAS, the Parties wish to conserve judicial resources, as well as their own resources,
12 by agreeing to remand the action;

13 NOW IT IS HEREBY STIPULATED AND AGREED by and between Wells Fargo and
14 Plaintiffs, through their undersigned counsel of record, that the action be remanded to the
15 San Mateo Superior Court.

16 IT IS SO STIPULATED.

17
18 Dated: July 24, 2013

TAMERLAWCORP

19 By: 

20 STEVEN M. TAMER
21 Attorneys for Plaintiffs

22 Dated: July 24, 2013

ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP

24 By: /s/ Josi Kennon Swonetz

25 JOSI KENNON SWONETZ
26 Attorneys for Defendant
27 WELLS FARGO BANK, N.A.
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ORDER

Having reviewed the Joint Stipulation of Plaintiffs Joselito Mendoza Malunay and Edna Camposano Malunay and Defendant Wells Fargo Bank, N.A., and for good cause shown, the Court hereby orders the Action be remanded to the San Mateo Superior Court. All pending deadlines associated with Plaintiffs' Motion to Remand on one hand, and Wells Fargo's Motion to Dismiss on the other, are hereby vacated.

IT IS SO ORDERED.

Dated: 7/25/13

