

FREELAND COOPER & FOREMAN LLP

150 Spear Street, Suite 1800
San Francisco, California 94105

1 Daniel T. Bernhard (CSB #104229)
FREELAND COOPER & FOREMAN LLP
2 150 Spear Street, Suite 1800
San Francisco, California 94105
3 Telephone: (415) 541-0200
Facsimile: (415) 495-4332
4 Email: bernhard@freelandlaw.com

5 Attorneys for Plaintiff
CYPRESS GG2, LLC

6 MORGAN, LEWIS & BOCKIUS LLP
7 Diane L. Webb (State Bar No. 197851)
Michael Q. Eagan, Jr. (State Bar No. 275823)
8 One Market Street, Spear Street Tower
San Francisco, CA 94105-1126
9 Telephone: (415) 442-1000
Facsimile: (415) 442-1001
10 dwebb@morganlewis.com
Meagan@morganlewis.com

11 Attorneys for Defendant
12 SYSTEM ENERGY RESOURCES, INC.

13
14 UNITED STATES DISTRICT COURT
15 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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17 CYPRESS GG2, LLC, a California Limited
Liability Company,

18 Plaintiff,

19 v.

20 SYSTEM ENERGY RESOURCES, INC., and
21 DOES 1-10, inclusive,

22 Defendants.

CASE NO.: 3:13-cv-04943-EDL

**JOINT STIPULATION FOR REMAND OF
ACTION TO STATE COURT; ORDER**

[28 U.S.C.A. 1447(c)]

23
24 Plaintiff Cypress GG2, LLC (“Plaintiff” or “Cypress”) and defendant System Energy
25 Resources, Inc. (“Defendant” or “SERI” and jointly with Cypress, the “Parties”) hereby enter into
26 this stipulation to remand this action to the Superior Court of the State of California for the City
27 and County of San Francisco:
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RECITALS

WHEREAS, on September 26, 2013, Cypress filed a Complaint for Declaratory Relief (“Complaint”) against SERI in the Superior Court of the State of California for the City and County of San Francisco commencing the action entitled Cypress GG2, LLC v. System Energy Resources, Inc., Case No. CGC-13-534501 (the “State Court Action”);

WHEREAS, on October 24, 2013, SERI filed a Notice of Removal of Civil Action Pending in the Superior Court of the State of California for the County of San Francisco (the “San Francisco Superior Court, to the United States District Court for the Northern District of California [Dkt. No. 1] (“Notice of Removal”) with this Court, thus removing the State Court Action to this Court, on the grounds of diversity of citizenship pursuant to 28 U.S.C.A. §1332; and,

WHEREAS, the Parties have met and conferred and have now determined and agreed that the parties are not in fact diverse, and that certain of Plaintiff’s members/investors reside in and are citizens of Arkansas and Mississippi, thereby destroying any diversity of citizenship under 28 U.S.C.A. 1332(a);

NOW THEREFORE, the Parties stipulate and agree that this action should be remanded forthwith from the United States District Court for the Northern District of California to the Superior Court of the State of California for the City and County of San Francisco, pursuant to 28 U.S.C.A. §1447.

Dated: November 12, 2013

FREELAND COOPER & FOREMAN LLP

By /s/ Daniel T. Bernhard
Daniel T. Bernhard
Attorneys for Plaintiff
CYPRESS GG2, LLC

Dated: November 12, 2013

MORGAN, LEWIS & BOCKIUS LLP

By /s/ Diane L. Webb
Diane L. Webb
Attorneys for Defendant
SYSTEM ENERGY RESOURCES, INC.

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ORDER

GOOD CAUSE APPEARING, this action shall be and hereby is remanded forthwith to the Superior Court of the State of California for the City and County of San Francisco consistent with 28 U.S.C.A. §1447.

Date: 11/15/13, 2013

Elijah R. D. Legate
United States District Court Magistrate

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