

1 CHRISTOPHER B. BRUNI, SBN 116521  
 2 SINUNU BRUNI LLP  
 3 333 Pine Street, Suite 400  
 4 San Francisco, CA 94104-3311  
 5 Telephone: 415.362.9700  
 6 Facsimile: 415.362.9707  
 7 cbruni@sinunubruni.com  
 8 Attorneys for Defendants  
 9 GREENWOOD CONSTRUCTION, INC., a dissolved  
 10 California Corporation, and  
 11 DENNIS P. GREENWOOD

12 WILLIAM LEVIN, SBN 98592  
 13 TIMOTHY F. PEARCE, SBN 215223  
 14 LEVIN SIMES LLP  
 15 353 Sacramento St., 20<sup>th</sup> Floor  
 16 San Francisco, CA 94111  
 17 Telephone: (415) 426-3000  
 18 Facsimile: (415) 426-3001  
 19 wlevin@levinsimes.com  
 20 tpearce@levinsimes.com  
 21 Attorneys for Plaintiffs  
 22 SARA BABIN and NICOLAS BABIN

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

SARA BABIN AND NICOLAS BABIN

Case No. C-14-01837-VC

Plaintiff(s)

v.

**STIPULATION TO REMAND CASE TO  
 ALAMEDA COUNTY SUPERIOR  
 COURT; ORDER THEREON**

GREENWOOD CONSTRUCTION, INC.;  
 DENNIS P. GREENWOOD; AND THE  
 FIRST DOE THROUGH THREE  
 HUNDREDTH DOE, INCLUSIVE.

Defendant(s).

SARA BABIN AND NICOLAS BABIN (“Plaintiffs”) and GREENWOOD  
 CONSTRUCTION, INC. and DENNIS P. GREENWOOD, (collectively “Defendants”), through their  
 respective counsel of record, hereby stipulate as follows:

1. WHEREAS, on March 24, 2014, Plaintiffs commenced an action in the Superior Court  
 of the State of California in and for the County of Alameda, entitled *Sara Babin and Nicolas Babin*,

1 *Plaintiffs v. Greenwood Construction, Inc.; Dennis P. Greenwood; And The First Doe Through Three*  
2 *Hundredth Doe, Inclusive, Defendants,* as case number RG14718650 (the "Action").

3 2. WHEREAS, Plaintiffs served the Summons and Complaint on Defendants on March  
4 24, 2014.

5 3. WHEREAS, On April 22, 2014, Defendants filed a NOTICE OF REMOVAL OF  
6 ACTION UNDER 28 U.S.C.A. § 1441(b), (DIVERSITY) ("Notice of Removal") with the United  
7 States District Court for the Northern District of California.

8 4. WHEREAS, on April 23, 2014, Defendants completed the removal process by filing a  
9 conformed copy of the notice of removal with the Alameda Superior Court.

10 5. WHEREAS, on April 29, 2014, Plaintiffs filed a Notice of Motion and Motion for  
11 Remand. Also on April 29, 2014, Plaintiffs filed the Declaration of Christine E. Dafforn in Support of  
12 Plaintiff's Motion for Remand ("Dafforn Dec.") and asserted that Sara Babin is a United States citizen.  
13 Plaintiffs attached a copy of Sara Babin's United States Passport as Exhibit C to the Dafforn  
14 Declaration.

15 6. WHEREAS, Defendants were unaware of Sara Babin's United States citizenship at the  
16 time they filed the Notice of Removal.

17 7. WHEREAS, the parties agree that Ms. Babin's United States citizenship prevents  
18 removal of her Superior Court action to Federal Court under diversity grounds.

19 THEREFORE, the parties have agreed as follows:

20 7. The Action be remanded to the Alameda County Superior Court.

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1           8.       Each party shall bear its own attorneys' fees and costs with respect to the removal and  
2 subsequent remand of the Action pursuant to this stipulation and Order.

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4 Dated: May 13, 2014

SINUNU BRUNI LLP

5  
6 By:   
7 CHRISTOPHER B. BRUNI  
8 Attorneys for Defendants,  
9 GREENWOOD CONSTRUCTION, INC., a  
10 dissolved California Corporation;  
11 and DENNIS P. GREENWOOD

11 Dated: May 13, 2014

LEVIN SIMES LLP

12  
13 By:   
14 CHRISTINE E. DAFFORN  
15 Attorneys for Plaintiffs,  
16 SARA BABIN AND NICOLAS BABIN  
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1 **ORDER**

2 On May 13, 2014, the Parties to the above-referenced action filed a Stipulation to  
3 Remand Case to Alameda County Superior Court. The Court having reviewed that Stipulation  
4 and good cause appearing, orders as follows:

5 1. The Parties' Stipulation is approved;

6 2. Northern District of California Case No. C-14-01837-VC *Babin, et al. v.*  
7 *Greenwood Construction, Inc., et al.* is hereby remanded to Alameda County Superior Court.

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9 IT IS SO ORDERED:

10 Dated: May 14, 2014



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12 UNITED STATES DISTRICT JUDGE

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27 STIPULATION TO REMAND CASE; ORDER THEREON