

1 MELINDA HAAG (CSBN 132612)  
 United States Attorney  
 2 ALEX G. TSE (CSBN 152348)  
 Chief, Civil Division  
 3 MICHELLE LO (NY Bar No. 4325163)  
 Assistant United States Attorney  
 4 450 Golden Gate Avenue, Box 36055  
 5 San Francisco, California 94102-3495  
 6 Telephone: (415) 436-7180  
 FAX: (415) 436-6748  
 7 Michelle.Lo@usdoj.gov

8 Attorneys for Defendants LAWRENCE BERKELEY  
 9 NATIONAL LABORATORY AND U.S. DEPARTMENT  
 10 OF ENERGY

11 Robert D. Eassa, Esq. (SBN 107970)  
 Robert.eassa@sedgwicklaw.com  
 12 SEDGWICK LLP  
 333 Bush Street, 30th Floor  
 13 San Francisco, CA 94101-2834  
 14 Tel: (415) 781-7900  
 Fax: (415) 781-2635

15 Attorneys for Defendant THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

16 Mary Shea Hagebols (SBN 113222)  
 17 SHEA LAW OFFICES  
 1814 Franklin Street, Suite 800  
 18 Oakland, CA 94612  
 Telephone: 510-208-4422  
 19 FAX: 415-520-9407  
 20 Mary@SheaLaw.com

21 Attorneys for Plaintiff ZHENBIN FAN  
 22  
 23  
 24  
 25  
 26  
 27

28 STIPULATION AND [PROPOSED] ORDER FOR DISMISSAL OF DEFENDANTS  
 LAWRENCE BERKELEY NATIONAL LABORATORY AND U.S. DEPARTMENT OF ENERGY  
 AND FOR REMAND  
 CASE NO. 14-CV-02399 TEH

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3  
4 SAN FRANCISCO DIVISION

5 ZHENBIN FAN,

CASE NO. 14-CV-02399 TEH

6 Plaintiff,

7 v.

STIPULATION AND ~~PROPOSED~~  
ORDER FOR DISMISSAL OF  
DEFENDANTS LAWRENCE BERKELEY  
NATIONAL LABORATORY AND U.S.  
DEPARTMENT OF ENERGY AND FOR  
REMAND

8 LAWRENCE BERKELEY NATIONAL  
9 LABORATORY; REGENTS OF THE  
UNIVERSITY OF CALIFORNIA; U.S.  
10 DEPARTMENT OF ENERGY; AND DOES 1  
THROUGH 20, INCLUSIVE,

11 Defendants.  
12

---

13  
14 Plaintiff ZHENBIN FAN and Defendants LAWRENCE BERKELEY NATIONAL  
15 LABORATORY, U.S. DEPARTMENT OF ENERGY and THE REGENTS OF THE  
16 UNIVERSITY OF CALIFORNIA hereby stipulate as follows:

- 17 1. Defendants LAWRENCE BERKELEY NATIONAL LABORATORY and U.S.  
18 DEPARTMENT OF ENERGY were not Plaintiff's employers, and Plaintiff was not a  
19 federal employee, during the prior that he worked at Lawrence Berkeley National  
20 Laboratory between June 15, 2012 and December 11, 2012.
- 21 2. Pursuant to Federal Rules of Civil Procedure, Rule 41(a)(2), Plaintiff ZHENBIN  
22 FAN hereby dismisses LAWRENCE BERKELEY NATIONAL LABORATORY  
23 and U.S. DEPARTMENT OF ENERGY by way of this stipulation.
- 24 3. Plaintiff ZHENBIN FAN and Defendants LAWRENCE BERKELEY NATIONAL  
25 LABORATORY and U.S. DEPARTMENT OF ENERGY hereby agree and stipulate  
26 to the dismissal of all claims against Defendants LAWRENCE BERKELEY  
27

28 STIPULATION AND [PROPOSED] ORDER FOR DISMISSAL OF DEFENDANTS  
LAWRENCE BERKELEY NATIONAL LABORATORY AND U.S. DEPARTMENT OF ENERGY  
AND FOR REMAND  
CASE NO. 14-CV-02399 TEH

1 NATIONAL LABORATORY and U.S. DEPARTMENT OF ENERGY in this action  
2 with prejudice.

- 3  
4 4. This stipulation does not address Plaintiff ZHENBIN FAN's claims against  
5 Defendant THE REGENTS OF THE UNIVERSITY OF CALIFORNIA.  
6  
7 5. Plaintiff may file a Second Amended Complaint removing Defendants LAWRENCE  
8 BERKELEY NATIONAL LABORATORY and U.S. DEPARTMENT OF ENERGY  
9 and removing all federal claims;  
10  
11 6. The REGENTS hereby stipulate to remand this case to state court and that all federal  
12 questions (giving rise to removal to this Court) have been eliminated from the  
13 operative pleading.  
14  
15 7. Each party to this stipulation will bear its own costs and fees as to matters covered in  
16 the stipulation.

17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
**IT IS SO STIPULATED.**

DATED: September 15, 2014

/S/ \_\_\_\_\_  
MARY SHEA HAGEBOLS  
Attorney for Plaintiff  
ZHENBIN FAN

DATED: September 15, 2014

MELINDA HAAG  
United States Attorney

/s/ \_\_\_\_\_  
Michelle Lo

Attorneys for Defendants Lawrence  
Berkeley National Laboratory and U.S.  
Department of Energy

STIPULATION AND [PROPOSED] ORDER FOR DISMISSAL OF DEFENDANTS  
LAWRENCE BERKELEY NATIONAL LABORATORY AND U.S. DEPARTMENT OF ENERGY  
AND FOR REMAND  
CASE NO. 14-CV-02399 TEH

1 SEDGWICK LLP

2  
3 DATED: September 15, 2014

\_\_\_\_\_/s/\_\_\_\_\_  
4 Robert Eassa

5 Attorneys for Defendants The  
6 Regents of the University of California

7 **(PROPOSED) ORDER**

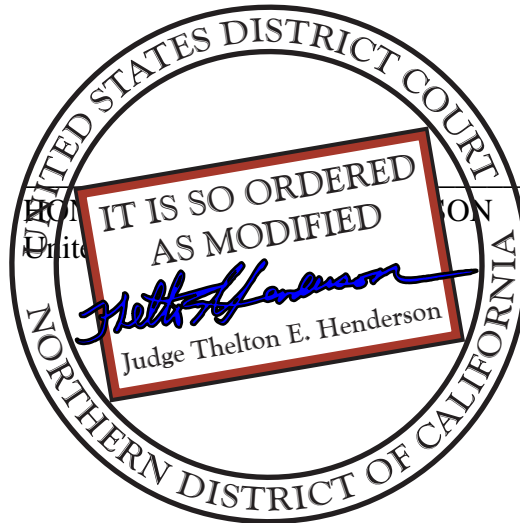
8  
9 THE FOREGOING STIPULATION SHALL BE THE ORDER OF THE COURT.

10 IN PARTICULAR, PLAINTIFF'S COMPLAINT AGAINST DEFENDANTS LAWRENCE BERKELEY  
11 NATIONAL LABORATORY AND U.S. DEPARTMENT OF ENERGY SHALL BE DISMISSED WITH  
12 PREJUDICE, EACH SIDE TO BEAR THEIR OWN FEES AND COSTS.

13 FURTHER, IN LIGHT OF THE SECOND AMENDED COMPAINT AND THE REMOVAL OF ALL  
14 FEDERAL QUESTIONS, THIS MATTER SHALL BE REMANDED TO THE SUPERIOR COURT OF  
15 CALIFORNIA FOR THE COUNTY OF ALAMEDA.

16 IT IS SO ORDERED.

17  
18 DATED: 09/17, 2014



19  
20  
21  
22  
23  
24  
25  
26  
27  
28 STIPULATION AND [PROPOSED] ORDER FOR DISMISSAL OF DEFENDANTS  
LAWRENCE BERKELEY NATIONAL LABORATORY AND U.S. DEPARTMENT OF ENERGY  
AND FOR REMAND  
CASE NO. 14-CV-02399 TEH