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9 Attorneys for Plaintiff
10 MICHAEL SULLIVAN

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

14 MICHAEL SULLIVAN,
15
16 Plaintiff,

17 vs.

18 FORD MOTOR COMPANY, THIEMAN
19 TAILGATES, INC., et al.
20
21 Defendants.

) CASE NO. 3:16-cv-03505-JST

) **STIPULATION AND [PROPOSED]**
) **ORDER FOR FILING OF SECOND**
) **AMENDED COMPLAINT TO ADD**
) **DEFENDANTS; FOR RELATION**
) **BACK OF THE SECOND AMENDED**
) **COMPLAINT; AND FOR REMAND TO**
) **STATE COURT**

22
23 IT IS HEREBY STIPULATED by and between counsel of record for Plaintiff Michael
24 Sullivan and Defendant Thieman Tailgates, Inc. (collectively referred to as “the Parties”) that
25 Plaintiff may file a Second Amended Complaint to add Automotive Rentals, Inc., ARI Fleet LT,
26 and Forklift Mobile, Inc., as defendants to this action pursuant to the Federal Rules of Civil
27
28

1 Procedure. A copy of Plaintiff's Second Amended Complaint is attached to this Stipulation as
2 Exhibit A.

3 Parties further stipulate and agree that Plaintiff's Second Amended Complaint shall relate
4 back to the filing of Plaintiff's original complaint pursuant to the Federal Rules of Civil
5 Procedure.

6
7 Parties further stipulate and agree that Defendant Thieman Tailgates, Inc., waives notice
8 and service of Plaintiff's Second Amended Complaint and shall not be required to answer the
9 Second Amended Complaint, and that all denials, responses and affirmative defenses contained
10 in the answer filed by Defendant Thieman Tailgates, Inc., to Plaintiff's First Amended
11 Complaint shall be responsive to the Second Amended Complaint.

12 Parties further stipulate and agree that following the addition of Forklift Mobile, Inc., a
13 California corporation, diversity and subject matter jurisdiction will no longer exist; therefore,
14 the case shall thereafter be remanded to the Superior Court in and for the County of Contra Costa
15 pursuant to 28 USC § 1447.
16

17
18 **IT IS SO STIPULATED.**

19 Dated: March 1, 2017

LAW OFFICES OF JOHN R. BOBAY
MICHAEL PLOCKI LAW GROUP

/s/ Michael J. Plocki

20
21 By: _____
22 MICHAEL J. PLOCKI
23 Attorneys for Plaintiff
MICHAEL SULLIVAN

24 Dated: March 1, 2017

LEWIS BRISBOIS BISGAARD & SMITH
LLP

/s/ Nicole L. Jones

25
26 By: _____
27 NICOLE L. JONES
28 Attorneys for Defendant
THIEMAN TAILGATES, INC.

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~~PROPOSED~~ ORDER

PURSUANT TO PARTIES' STIPULATIONS, THE COURT HEREBY ORDERS AS

FOLLOWS: The plaintiff shall file his Second Amended Complaint on the Court's docket by Monday, March 6, 2017.

1. ~~Plaintiff's Second Amended Complaint is deemed filed as of the date of this Court's Order,~~
2. Automotive Rentals, Inc., ARI Fleet LT, and Forklift Mobile, Inc., are added as defendants in this action;
3. Plaintiff's Second Amended Complaint relates back to the filing of the original Complaint; and
4. Following the filing of Plaintiff's Second Amended Complaint, this case is hereby remanded to the Superior Court in and for the County of Contra Costa.

IT IS SO ORDERED.

DATED: March 2, 2017



JON S. TIGAR
UNITED STATES DISTRICT JUDGE