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13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA

15 ALFRED BANKS AND SHIRLEY  
 16 LAWRENCE-BANKS, on behalf of  
 17 themselves and all others similarly  
 18 situated

19 Plaintiffs,

20 vs.

21 COUNTY OF SAN MATEO AND  
 22 DOES 1-10, ET AL.,

23 Defendants

CASE NO: 16-CV-06072-HSG

24 STIPULATION AND ~~PROPOSED~~  
 25 ORDER RE FILING OF FIRST  
 26 AMENDED COMPLAINT AND  
 27 REMANDING CASE TO STATE  
 28 COURT

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1           WHEREAS, on August 8, 2016, Plaintiffs filed a class action complaint in  
2 the San Mateo Superior Court, entitled *Banks, et al. v. County of San Mateo, et al.*,  
3 San Mateo Superior Court case no. 16CV00826 (hereinafter the “Banks State  
4 Court Action”) alleging the following cause of action: 1) 42 U.S.C. § 1983; 2)  
5 Violation of California Constitution §§ 13C and D; 3) Violation of California  
6 Government Code § 11135; 4) Violation of California Civil Code § 52.1; and 5)  
7 Violation of Additional Provisions of the California Constitution;

8           WHEREAS, on or about October 20, 2016, Defendant County of San Mateo  
9 removed the *Banks* State Court Action to federal court pursuant to 28 U.S.C. §  
10 1441(A), currently pending before the Honorable Donna M. Ryu, USDC case no.  
11 16-CV-06072-DMR (the “Removed Action”);

12           WHEREAS, the parties have agreed that Plaintiffs will file a First Amended  
13 Complaint in the Removed Action which eliminates all federal claims. The First  
14 Amended Complaint in the Removed Action will allege the following causes of  
15 action: 1) Violation of California Constitution §§ 13C and D; 2) Violation of  
16 California Government Code § 11135; 3) Violation of California Civil Code §  
17 52.1; and 4) Violation of Additional Provisions of the California Constitution.  
18 Plaintiffs’ Proposed First Amended Complaint is attached hereto as Exhibit 1.

19           WHEREAS the parties agree that upon the filing of the First Amended  
20 Complaint the Removed Action should be remanded to the San Mateo Superior  
21 Court.

22           IT IS SO STIPULATED.

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DATED: December 6, 2016

Respectfully Submitted,

KAYE, MCLANE, BEDNARSKI & LITT, LLP  
&  
RAPKIN & ASSOCIATES, LLP

By: /s/ Barrett S. Litt  
Barrett S. Litt  
Attorneys for Plaintiffs

DATED: December 6, 2016

Respectfully Submitted,

JOHN C. BEIERS, COUNTY COUNSEL

By: /s/ Adam W. Ely  
Adam W. Ely  
Attorneys for Defendant County of San Mateo

\*Submitted for filing with the consent of all signatories.

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GOOD CAUSE APPEARING:

The parties' stipulation is hereby GRANTED.

Plaintiffs shall file a First Amended Complaint alleging the following causes of action: 1) Violation of California Constitution §§ 13C and D; 2) Violation of California Government Code § 11135; 3) Violation of California Civil Code § 52.1; and 4) Violation of Additional Provisions of the California Constitution within three (3) days from the date of this order.

Upon filing of the First Amended Complaint the instant action is REMANDED to the Superior Court of California, County of San Mateo. The clerk shall close the file and terminate all pending hearings.

IT IS SO ORDERED.

Date: 12/6/2016

  
HON. HAYWOOD S. GILLIAM, JR.