



1 Plaintiffs Heather Eisenberg, *et al.*, and defendants and specially-appearing defendants  
2 Bayer Corporation, Bayer Essure Inc., Bayer HealthCare LLC, and Bayer HealthCare  
3 Pharmaceuticals Inc. (collectively, “Bayer”), hereby stipulate and agree as follows:

4 1. Plaintiffs filed their Complaint on February 27, 2017, in the Superior Court for the  
5 State of California, County of Alameda. In their complaint, Plaintiffs asserted claims involving the  
6 Essure® Permanent Birth Control System.

7 2. On March 30, 2017, Bayer removed the matter from the Alameda County Superior  
8 Court to the United States District Court for the Northern District of California.

9 3. Bayer filed its Motion to Dismiss on April 6, 2017, on the grounds of federal  
10 preemption, among other grounds.

11 4. Plaintiffs have indicated their intention to file a Motion to Remand.

12 5. On April 27, 2017, briefing on Bayer’s Motion to Dismiss and Plaintiffs’ anticipated  
13 Motion to Remand was stayed pending this Court’s decision in a related case pending before this  
14 Court involving the Essure® Device, captioned as *Elizabeth Ann Sangimino, et al. v. Bayer Corp.,*  
15 *et al.*, Case No. 3:17-cv-01488-WHA.

16 6. On June 9, 2017, this Court granted Plaintiffs’ Motion to Remand in the *Sangimino*  
17 matter and denied the Motion to Dismiss as moot.

18 7. The parties have met and conferred and agree to remand this case to the Alameda  
19 County Superior Court.  
20

21 8. The parties thus respectfully ask the Court to enter an order remanding this case to  
22 state court based on the stipulation of the parties.  
23  
24  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IT IS SO STIPULATED.

Dated: June 20, 2017

SIDLEY AUSTIN LLP

By: /s/ Alycia A. Degen  
Alycia A. Degen  
Bradley J. Dugan

*Attorneys for Defendants and Specially  
Appearing Defendants*  
Bayer Corporation, Bayer HealthCare LLC,  
Bayer Essure Inc., and Bayer HealthCare  
Pharmaceuticals Inc.

Dated: June 20, 2017

SKIKOS, CRAWFORD, SKIKOS & JOSEPH

By: /s/ Mark Crawford  
Mark Crawford

*Attorneys for Plaintiffs*  
Heather Eisenberg, *et al.*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**FILER'S ATTESTATION**

Pursuant to Local Rule 5-1(i)(3), regarding signatures, Alycia A. Degen hereby attests that concurrence in the filing of this document has been obtained from counsel for Plaintiffs.

Dated: June 20, 2017

By: /s/ Alycia A. Degen  
Alycia A. Degen

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

~~PROPOSED~~ ORDER

PURSUANT TO THE PARTIES' STIPULATION, and for good cause shown, IT IS ORDERED THAT Eisenberg v. Bayer Corporation, Case No. 3:17-CV-01761-WHA, be remanded to the Superior Court of the State of California, County of Alameda.

IT IS SO ORDERED.

Dated: June 22, 2017.

  
\_\_\_\_\_  
Honorable William Alsup