

1 M. Elizabeth Graham, CA 143085
GRANT & EISENHOFER P.A.
2 101 California Street, Suite 2710
San Francisco, CA 94111
3 Phone: (415) 365-9585 / Fax: (302) 622-7100
Email: egraham@gelaw.com

4 Attorneys for Plaintiffs

5
6 Alycia A. Degen, SBN 211350
adegen@sidley.com
7 Bradley J. Dugan, SBN 271870
bdugan@sidley.com
8 **SIDLEY AUSTIN LLP**
555 West Fifth Street, Suite 4000
9 Los Angeles, California 90013
Telephone: +1 213 896-6000
10 Facsimile: +1 213 896-6600

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

13
14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**

16	SELENE ADAMCZYK, <i>et al.</i> ,) Case No. 3:17-cv-01846-WHA
17)
18	Plaintiffs,) JOINT STIPULATION TO
19) REMAND; PROPOSED ORDER
20	vs.)
21)
22	BAYER CORP.; BAYER HEALTHCARE)
23	LLC; BAYER ESSURE INC., (F/K/A)
24	CONCEPTUS, INC.); BAYER HEALTHCARE)
25	PHARMACEUTICALS, INC.; and DOES 1-10,)
26	inclusive,)
27)
28	Defendants.)

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

4 1. Plaintiffs filed their complaint on February 28, 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 (the “Essure® Device”).

7 2. On April 3, 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. On April 7, 2017, this matter was deemed related to another matter pending before
10 this Court involving the Essure® Device, captioned as *Elizabeth Ann Sangimino, et al. v. Bayer*
11 *Corp., et al.*, Case No. 3:17-cv-01488-WHA.

12 4. Bayer filed its Motion to Dismiss on April 10, 2017, on the grounds of federal
13 preemption, among other grounds.

14 5. On April 19, 2017, Plaintiffs moved to remand this action to the Superior Court of
15 Alameda County, State of California, pursuant to 28 U.S.C. § 1447, on the grounds that this Court
16 lacks jurisdiction over this action.

17 6. On April 19, 2017 the parties filed a stipulation to stay briefing on Plaintiffs’ Motion
18 to Remand, and on Defendants’ Motion to Dismiss pending the Northern District of California’s
19 rulings on the Motion to Dismiss and Motion to Remand in *Sangimino*.

20 7. On April 20, 2017, this Court granted the parties’ stipulation to stay briefing.

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

23 9. The parties have met and conferred and agree to remand this case to the Alameda
24 County Superior Court.

25 10. The parties thus respectfully ask the Court to enter an order remanding this case to
26 state court based on the stipulation of the parties.
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 16, 2017

GRANT & EISENHOFER P.A.

By: /s/ M. Elizabeth Graham
M. Elizabeth Graham

Attorneys for Plaintiffs
Selene Adamczyk, *et al.*

Dated: June 16, 2017

SIDLEY AUSTIN LLP

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

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

~~PROPOSED~~ ORDER

PURSUANT TO THE PARTIES' STIPULATION, and for good cause shown, IT IS ORDERED THAT Adamczyk v. Bayer Corporation, Case No. 3:17-cv-01846-WHA, be remanded to the Superior Court of the State of California, County of Alameda.

IT IS SO ORDERED.

Dated: June, 19, 2017



Honorable William H. Alsup

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