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12 *Attorneys for Plaintiff James Thomas*

14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA

16 JAMES THOMAS, on behalf of himself and all
 those similarly situated,

17 Plaintiff,

18 v.

19 GLOBAL VISION PRODUCTS, INC.,
 20 ANTHONY IMBRIOLO, DERRIKE COPE,
 DAVID L. GORDON, POWERTEL
 21 TECHNOLOGIES, INC., CRAIG DIX, HENRY
 EDELSON and ROBERT DEBENEDICTIS,

22 Defendants.
 23

**CASE NO. CV-08-5581 WDB
 HON. WAYNE D. BRAZIL**

**JOINT STIPULATION AND [PROPOSED]
 ORDER TO REMAND**

24 The parties, through their respective counsel, stipulate as follows:

- 25 1. On April 11, 2003, plaintiff filed his original complaint in the Superior Court of
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1 California, County of Alameda against Global Vision Products, Inc. ("Global"), Anthony Imbriolo
2 ("Imbriolo"), Derrike Cope ("Cope"), David L. Gordon ("Gordon"), Powertel Technologies, Inc.
3 ("Powertel") and Craig Dix ("Dix") (the "State Action").

4 2. On December 22, 2005, plaintiff filed a Third Amended Complaint asserting
5 violations of the CLRA and the UCL against Robert DeBenedictis ("DeBenedictis") and Henry
6 Edelson ("Edelson"), in addition to the defendants named in the original State Action.

7 3. On or about December 15, 2008, DeBenedictis filed a Notice of Removal of the
8 Claims against him in the State Action ("the "Notice of Removal") pursuant to 28 U.S.C. §1452.
9 The Notice of Removal was joined by defendant Edelson.

10 4. On December 31, 2008, Plaintiff filed a motion pursuant to Civil Local Rule 6-3 for
11 an order shortening time ("Motion for Order Shortening Time") for briefing and hearing on
12 plaintiff's motion for abstention or remand of the California State Action and for the payment of
13 plaintiff's attorneys' fees.

14 5. On January 6, 2009, defendant DeBenedictis filed an opposition to plaintiff's Motion
15 for Order Shortening Time stating that to the extent this Court deems it necessary or helpful,
16 DeBenedictis would stipulate that only the claims against him were intended for removal and, to the
17 extent that claims against other parties, including Global, Imbriolo, Cope, Gordon, Powertel or Dix,
18 have been inadvertently removed, they may be remanded without the need for a motion (the
19 "Resolved Claims").

20 6. The parties hereby stipulate to remand the above-captioned action to State Court as to
21 all claims other than those relating to defendants DeBenedictis and Edelson, without prejudice to any
22 Abstention or Remand motion.

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25 Dated: _____

LECLAIRRYAN LLP

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27 By: _____
Peter M.. Hart

28 *Attorney for Defendant, Robert
DeBenedictis*

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Dated: _____

KRIEG, KELLER, SLOAN, REILLEY &
ROMAN LLP

By: _____
Thomas Harlan Sloan, Jr.

Attorney for Defendant, Henry Edelson

Dated: _____

BRAMSON, PLUTZIK, MAHLER &
BIRKHAUSER, LLP

By: _____
L. Timothy Fisher

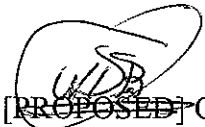
Attorneys for Plaintiff James Thomas

--AND--

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~~PROPOSED~~ ORDER

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Pursuant to the parties stipulation the Resolved Claims, as defined above, are severed and remanded to the California Superior Court. This Order shall not affect the claims by plaintiff relating to defendants DeBenedictis and Edelson.

Dated: 2/2, 2009


WAYNE D. BRAZIL
United States Magistrate Judge