

1 ABRAMSON SMITH WALDSMITH, LLP
2 WILLIAM B. SMITH [State Bar # 58338]
3 ROBERT J. WALDSMITH [State Bar # 163774]
4 JEFFREY R. SMITH [State Bar # 245337]
5 44 Montgomery Street, Suite 3340
6 San Francisco, California 94104
7 Telephone: (415) 421-7995
8 Facsimile: (415) 421-0912

9 Attorneys for Plaintiff
10 RODNEY DOUGLAS ALTMAN

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA

13 RODNEY DOUGLAS ALTMAN,

14 Plaintiff,

15 vs.

16 S & S TOWING & TRUCKING
17 SERVICE LLC; GHILOTTI
18 BROTHERS CONSTRUCTION, INC.;
19 JOHN PAUL MAES; and DOES ONE
20 through TWENTY, inclusive

21 Defendants.

Case No. CV 11 3112

**STIPULATION TO REMAND CASE
BACK TO SAN FRANCISCO COUNTY
SUPERIOR COURT; [PROPOSED]
ORDER**

22 Plaintiff Rodney Douglas Altman and defendant S&S Towing and Trucking
23 Service LLC, by and through their respective counsel, hereby agree to stipulate as follows:

24 **STIPULATION**

25 1. On May 1, 2011, plaintiff Rodney Altman commenced an action in the
26 Superior Court of California in and for the County of San Francisco, entitled Rodney
27 Douglas Altman v. S & S Towing and Trucking LLC; Ghilotti Brothers, Inc.; John Paul
28 Maes; and Does one through Twenty, inclusive, as case number CGC-11-510854.

1 2. On or about June 23, 2011, defendant Louis Chavier dba S & S Towing &
2 Truck Service (erroneously sued as "S & S Tow and Trucking LLC") filed a Notice of
3 Removal of Action under 28 U.S.C. § 1441(b) because the incident of the subject
4 complaint occurred on federal property in the Presidio National Historic Landmark District
5 and the Golden Gate National Recreation Area, managed by the federal Presidio Trust, and
6 under the jurisdiction of the United States Park Police, giving the District Court
7 jurisdiction under 28 U.S.C. 1331.

8 3. No other defendants have answered plaintiff's complaint.

9 4. Plaintiff and defendant Louis Chavier dba S & S Towing and Trucking
10 Service, by stipulation, agree that this action should be remanded to the San Francisco
11 Superior Court, wherein plaintiff Rodney Altman will file a First Amended Complaint.

12 4. Each party shall bear his/her/its own attorneys' fees and costs with respect
13 to the removal and subsequent remand of the Action pursuant to this Stipulation and Order.

14 5. This Stipulation moots all pending motions before this Court, and all
15 pending deadlines and hearings in this case should be taken of this Court's calendar.

16 DATED: September ²⁵__, 2011

ABRAMSON SMITH WALDSMITH, LLP

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19 WILLIAM B. SMITH
 Attorney for Plaintiff RODNEY ALTMAN

20 DATED: September ²¹__, 2011

HARRINGTON, FOXX, DUBROW &
CANTER, LLP

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23 HENRY A. WIRTA, JR.
24 Attorney for Defendant LOUIS CHAVIER dba
25 S&S TOWING & TRUCK SERVICE
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ORDER

Good cause appearing, IT IS SO ORDERED THAT:

1. This action immediately be remanded to the San Francisco Superior Court;
2. Each party shall bear his/her/its own attorney's fees and costs with respect to the removal and subsequent remand of the action;
3. All pending motions, deadlines, and hearings before this court are moot and shall be taken off the Court's calendar.

Dated November 18, 2011

