

1 ALAN R. BRAYTON, ESQ., S.B. #73685
 2 DAVID R. DONADIO, ESQ., S.B. #154436
 3 RICHARD M. GRANT, ESQ., S.B. #55677
 4 BRAYTON❖PURCELL LLP
 5 222 Rush Landing Road
 6 PO Box 6169
 7 Novato, California 94948-6169
 8 (415) 898-1555
 9 (415) 898-1247 Fax
 10 Attorneys for Plaintiff

11 **UNITED STATES DISTRICT COURT**
 12 **NORTHERN DISTRICT OF CALIFORNIA**

11 JAMES E. OWENS,
 12 Plaintiff,
 13 vs.
 14 ALLIS-CHALMERS CORPORATION, et
 15 al.,
 16 Defendants.

No. CV- 11-3618 PJH
 STIPULATION TO DISMISS
 DEFENDANT LOCKHEED MARTIN
 CORPORATION AND REMAND CASE
 TO CALIFORNIA SUPERIOR COURT
 AND ORDER REMANDING CASE

BRAYTON❖PURCELL LLP
 ATTORNEYS AT LAW
 222 RUSH LANDING ROAD
 PO BOX 6169
 NOVATO, CALIFORNIA 94948-6169
 (415) 898-1555

18 Come now Plaintiff JAMES E. OWENS ("Plaintiff") and Defendant LOCKHEED
 19 MARTIN CORPORATION ("Lockheed"), who file the following joint stipulation pursuant to
 20 Local Rules 7-1 and 7-12:

21 WHEREAS, Defendant Lockheed removed this case to the United States District Court
 22 for the Northern District of California on July 22, 2011, on the ground that the Court has
 23 "federal officer" subject matter jurisdiction under 28 United States Code § 1442(a)(1); and

24 WHEREAS, Defendant Lockheed was the sole removing defendant and no other
 25 defendant joined in removal or filed a separate notice of removal; and

26 WHEREAS, Plaintiff and Defendant Lockheed, the affected parties, have now agreed
 27 that Plaintiff will dismiss Lockheed from this action with prejudice; and

28 WHEREAS, Defendant Lockheed's desire for a federal forum for this action is now

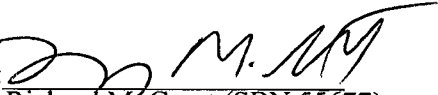
1 moot given the dismissal with prejudice of Plaintiff's claims against it; and

2 WHEREAS, pursuant to this resolution of the parties, Plaintiff and Defendant Lockheed
3 seek to have this action remanded to state court;

4 IT IS HEREBY STIPULATED by the affected parties, Plaintiff and Defendant
5 Lockheed, that the claims against Defendant Lockheed shall be, and hereby are, dismissed with
6 prejudice pursuant to Rule 41 of the Federal Rules of Civil Procedure and that this action shall
7 be immediately remanded to the San Francisco County Superior Court, Case No. CGC-09-
8 275341, the court in which it was originally filed and from which it was removed.

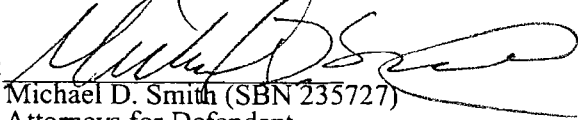
9
10 DATED: August 16, 2011

BRAYTON ♦ PURCELL LLP

11
12 By: 
13 Richard M. Grant (SBN 55677)
Attorneys for Plaintiff

14 DATED: August 16, 2011

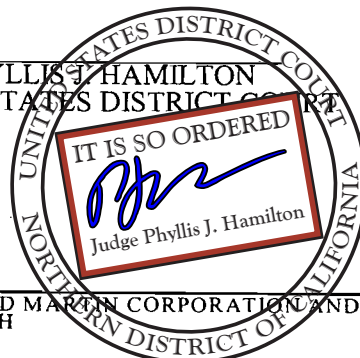
KNOTT & GLAZIER LLP

15
16 By: 
17 Michael D. Smith (SBN 235727)
Attorneys for Defendant
18 LOCKHEED MARTIN CORPORATION

19 PURSUANT TO STIPULATION, IT IS SO ORDERED. Defendant Lockheed Martin
20 Corporation is dismissed with prejudice and this case is REMANDED to the Superior Court of
21 California, County of San Francisco, Case. No. CGC-09-275341. The Clerk shall send a
22 certified copy of this Order to the Clerk of the Court for the Superior Court of California,
23 County of San Francisco.

24
25 Dated: 8/19/11

26 HON. PHYLLIS J. HAMILTON
UNITED STATES DISTRICT COURT



1 *James E. Owens v. Allis-Chalmers Corp., et al.*
2 cv-11-3618 PJH

3 CERTIFICATE OF SERVICE

4 I hereby certify that I electronically filed the following with the Clerk of the Court for
5 the United States District Court by using the CM/ECF system on August 16, 2011].

6 STIPULATION TO DISMISS DEFENDANT LOCKHEED MARTIN
CORPORATION AND REMAND CASE TO CALIFORNIA SUPERIOR COURT

7 Participants in the case who are registered CM/ECF users will be served by the CM/ECF
8 system.

9 I further certify that some of the participants in the case are not registered CM/ECF
users. I have mailed the foregoing document by First-Class Mail.

10 **SEE ATTACHED SERVICE LIST**

11
12 Dated this 16, day of August, 2011.

13 /s/ Jane Ehni
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Date Created: 8/16/2011-4:47:35 PM
Created by: LitSupport - ServiceList - Reporting
Matter Number: 23408.001 - James Owens

Run By : Ehni, Jane (JAE)

Berry & Berry
P.O. Box 16070
2930 Lakeshore Avenue
Oakland, CA 94610
510-835-8330 510-835-5117 (fax)

Defendants:
Berry & Berry (B&B)

Chapman & Intrieri, L.L.P.
2236 Mariner Square Drive
Third Floor, Suite 300
Alameda, CA 95401
510-864-3600 510-864-3601 (fax)

Defendants:
Henkel Corporation (HENKEL)

Herr & Zapala, LLP
152 North 3rd Street, Suite 500
San Jose, CA 95112
408-287-7788 408-927-0408 (fax)

Defendants:
EpoxyLite Corporation, The (EPOXY)

Knott & Glazier, LLP
707 Willshire Blvd.
Suite 2025
Los Angeles, CA 90017
213-312-9200 213-312-9201 (fax)

Defendants:
Lockheed Martin Corporation (LOCCOR)

Nixon Peabody LLP
One Embarcadero
18th Floor
San Francisco, CA 94111
415-984-8200 866-542-6538 (fax)

Defendants:
Shell Oil Company (SHLOIL)

Pond North, LLP
350 South Grand Avenue
Suite 3300
Los Angeles, CA 90071
213-617-6170 213-623-3594 (fax)

Defendants:
CBS Corporation (fka Viacom Inc., fka
Westinghouse Electric Corporation)
(VIACOM)

Schiff Hardin LLP
One Market Plaza
Spear Street Tower, 32nd Floor
San Francisco, CA 94105
415-901-8700 415-901-8701 (fax)

Defendants:
Owens-Illinois, Inc. (OI)

Walsworth, Franklin, Bevins & McCall
601 Montgomery Street, 9th Floor
San Francisco, CA 94111
415-781-7072 415-391-6258 (fax)

Defendants:
Cleaver-Brooks, Inc. (CLEAVR)
Thomas Dee Engineering Company (DEE)