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11 Attorneys for Defendants
 12 OAKLAND UNIFIED SCHOOL DISTRICT
 13 (also sued erroneously as EAST
 14 OAKLAND SCHOOL OF ARTS),
 15 MATIN ABDEL-QAWI, TONY SMITH,
 16 and MATT DUFFY

17 UNITED STATES DISTRICT COURT
 18 NORTHERN DISTRICT OF CALIFORNIA

19 VALLIE TOWNS,

20 Plaintiff,

21 vs.

22 OAKLAND UNIFIED SCHOOL DISTRICT,
 23 EAST OAKLAND SCHOOL OF ARTS,
 24 MATIN ABDEL-QAWI, TONY SMITH,
 MATT DUFFY and DOES 1 to 10,

25 Defendant.

Case No.: C 11-03980 PJH

**STIPULATION AND [~~PROPOSED~~]
 ORDER TO FILE FIRST AMENDED
 COMPLAINT (FRCP 15(a)(2)) AND FOR
 REMAND OF ACTION TO STATE
 COURT**

27 WHEREAS the above-captioned matter was removed from the Superior Court of
 28 the State of California, County of Alameda to the United States District Court for the

STIPULATION AND [PROPOSED] ORDER TO FILE FIRST AMENDED COMPLAINT PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 15(a)(2) AND FOR REMAND OF ACTION TO STATE COURT

1 Northern District of California, Oakland Division on August 15, 2011 based on federal
2 question jurisdiction;

3 WHEREAS Plaintiff Vallie Towns has filed a motion for leave to file a First
4 Amended Complaint which omits all federal claims against all defendants;

5 WHEREAS Plaintiff Vallie Towns also seeks remand of this action to state court if
6 her request for leave to file the proposed amended complaint which omits all federal
7 claims against all defendants is granted;

8 WHEREAS Defendants Oakland Unified School District (also sued erroneously
9 as East Oakland School of Arts), Matin Abdel-Qawi, Tony Smith and Matt Duffy
10 generally do not oppose plaintiff's request to file a first amended complaint or her
11 request for remand but did ask plaintiff to agree to dismiss her current federal claims
12 with prejudice to ensure that the current federal claims would not be reasserted at a
13 later time thereby requiring the defense to remove the action to federal court again
14 based on the same claims that supported the first removal;

15 WHEREAS plaintiff is not comfortable dismissing her current federal claims with
16 prejudice at this time but represents that she has no intention of reasserting her current
17 federal claims absent some new development or discovery which justifies and
18 necessitates such action as she has no desire to litigate this case in federal court;

19 IT IS HEREBY STIPULATED and respectfully requested by all parties to this
20 action that:

21 1. Plaintiff Vallie Towns be permitted to file the proposed First Amended
22 Complaint attached hereto as Exhibit "A";

23 2. This case be remanded to the Superior Court of the State of California,
24 County of Alameda upon the filing of plaintiff's First Amended Complaint; and that

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28 ///

1 3. Defendants be permitted to file their response to the First Amended
2 Complaint in the Superior Court of the State of California, County of Alameda after
3 remand is complete by the date set by the Superior Court judge assigned to the case.
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5 Dated: November 15, 2011

DENISE EATON MAY, ATTORNEY AT LAW

6
7 /s/ Denise Eaton May
8 DENISE EATON MAY, ESQ
Attorney for Plaintiff VALLIE TOWNS

9 Dated: November 15, 2011

STUBBS & LEONE

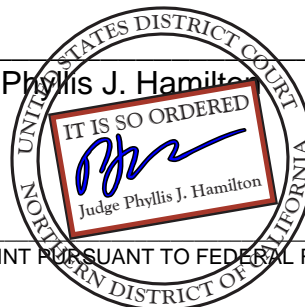
10 /s/ Jennifer N. Logue
11 LOUIS A. LEONE, ESQ.
12 JENNIFER N. LOGUE, ESQ.
13 Attorneys for Defendants
14 OAKLAND UNIFIED SCHOOL DISTRICT
15 (also sued erroneously as EAST OAKLAND
16 SCHOOL OF ARTS), MATIN ABDEL-QAWI,
17 TONY SMITH and MATT DUFFY

18 Pursuant to the parties stipulation **IT IS ORDERED THAT:**

- 19 1. Plaintiff shall file the First Amended Complaint attached hereto as Exhibit
20 "A" no later than November 23, 2011;
- 21 2. Plaintiff's request for remand is GRANTED;
- 22 3. Plaintiff shall file simultaneously with the filing of her First Amended
23 Complaint a Stipulation and Proposed Order of Remand that has been approved as to
24 form by all parties; and
- 25 4. The Initial Case Management Conference currently set for December 1,
26 2011 and all corresponding deadlines are VACATED.

27 Dated: 11/17/11

28 District Judge Phyllis J. Hamilton



STIPULATION AND [PROPOSED] ORDER TO FILE FIRST AMENDED COMPLAINT PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 15(a)(2) AND FOR REMAND OF ACTION TO STATE COURT