

ANGLIN FLEWELLING RASMUSSEN CAMPBELL & TRYTTEN LLP

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6 Attorneys for  
7 WELLS FARGO BANK, N.A., successor by  
merger with Wells Fargo Bank Southwest, N.A.,  
8 f/k/a Wachovia Mortgage, FSB, f/k/a World  
Savings Bank, FSB ("Wells Fargo")  
9 (erroneously named herein as "Wells Fargo  
Bank, N.A., aka Wachovia Mortgage, a division  
10 of Wells Fargo Bank, N.A. and f/k/a Wachovia  
Mortgage, FSB")

11  
12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14

15 CHANTAL RICKMAN,

16 Plaintiffs,

17 v.

18 NDEX WEST, L.L.C.; WELLS FARGO  
BANK, N.A., aka WACHOVIA MORTGAGE,  
19 a division of WELLS FARGO BANK, N.A.  
and F/k/a WACHOVIA MORTGAGE, FSB  
20 and DOES 1-50, inclusive,

21 Defendants.  
22

CASE NO.: 4:12-CV-00146-DMR

[The Honorable Magistrate Judge  
Donna M. Ryu]

**STIPULATION AND ORDER TO  
REMAND CASE TO STATE COURT AND  
EXTEND TIME FOR RESPONSE TO  
FIRST AMENDED COMPLAINT**

Date: March 22, 2012  
Time: 11:00 a.m.  
Ctrm: 4

23 **TO THE CLERK OF THE ABOVE-ENTITLED COURT AND THE HONORABLE**  
24 **MAGISTRATE JUDGE DONNA M. RYU:**

25 Plaintiff Chantal Rickman and Defendants NDeX West, L.L.C. and Wells Fargo Bank,  
26 N.A., successor by merger with Wells Fargo Bank Southwest, N.A., f/k/a Wachovia Mortgage,  
27 FSB, f/k/a World Savings Bank, FSB ("Wells Fargo") (collectively "Defendants") through their  
28

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1 respective counsel, hereby stipulate that (1) this case be remanded to the Superior Court of  
2 California for the County of Contra Costa; (2) the hearings currently scheduled for March 22,  
3 2012 on Wells Fargo’s Motion to Dismiss and Plaintiff’s Motion to Amend Complaint and  
4 Motion to Remand to State Court should be vacated; (3) Plaintiff shall file the first amended  
5 complaint in the Superior Court of California for the County of Contra Costa and Defendants  
6 will file a response to the first amended complaint within 30 days of its filing date in state court.

7 **RECITALS**

8 1. On December 13, 2011, Plaintiff filed her complaint in the Superior Court of  
9 California for the County of Contra Costa for a judicial determination of the parties’ lien  
10 priorities and interests in the real property located at 2906 Morgan Drive, San Ramon, California  
11 (the “Property”) and to stop Wells Fargo from foreclosing on the Property until the determination  
12 was made.

13 2. On January 9, 2012, Defendants removed this action to the United States District  
14 Court for the Northern District of California on the basis of diversity jurisdiction under 28 U.S.C.  
15 §1332.

16 3. On January 30, 2012, Wells Fargo filed a Motion to Dismiss Complaint which  
17 was set for hearing on March 22, 2012.

18 4. On February 9, 2012, Plaintiff filed a first amended complaint adding Kristen  
19 Valperga and Placer Foreclosure Inc. as parties to the action. On the same day, Plaintiff also filed  
20 a First Motion to Amend/Correct Original Complaint, which was set for hearing on March 22,  
21 2012.

22 5. On February 10, 2012, Plaintiff filed a Second Motion to Remand to State Court,  
23 which was set for hearing on March 22, 2012.

24 **STIPULATION**

25 THE PARTIES HEREBY STIPULATE:

26 1. That this case be remanded to the Superior Court of California for the County of  
27 Contra Costa;

28 2. The hearings currently scheduled for March 22, 2012 on Wells Fargo’s Motion to

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1 Dismiss and Plaintiff's Motion to Amend Complaint and Motion to Remand to State Court are  
2 accordingly moot and should be vacated; and

3 3. Plaintiff shall file the first amended complaint in the Superior Court of California  
4 for the County of Contra Costa and Defendants will file a response to the first amended  
5 complaint within 30 days of its filing date in state court.

6 IT IS SO STIPULATED.

7  
8 Dated: February 20, 2012

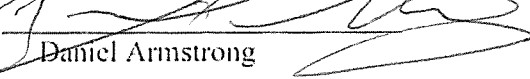
LAW OFFICES OF WAYNE V.R. SMITH

9 By:   
Wayne V.R. Smith

10 Attorney for Plaintiff  
11 Chantal Rickman

12  
13 Dated: February 21, 2012


ANGLIN, FLEWELLING, RASMUSSEN,  
CAMPBELL & TRYFFTEN LLP

14 By:   
15 Daniel Armstrong

16 Attorneys for Defendant  
17 WELLS FARGO BANK, N.A., successor by  
18 merger with Wells Fargo Bank Southwest, N.A.,  
19 f/k/a Wachovia Mortgage, FSB, f/k/a World  
Savings Bank, FSB ("Wells Fargo")

20 Dated: February 21 2012

BARRETT DAFFIN FRAPPIER TREDER &  
WEISS, LLP

21 By:   
22 Edward A. Treder

23 Attorneys for Defendant  
24 NDeX West, L.L.C.

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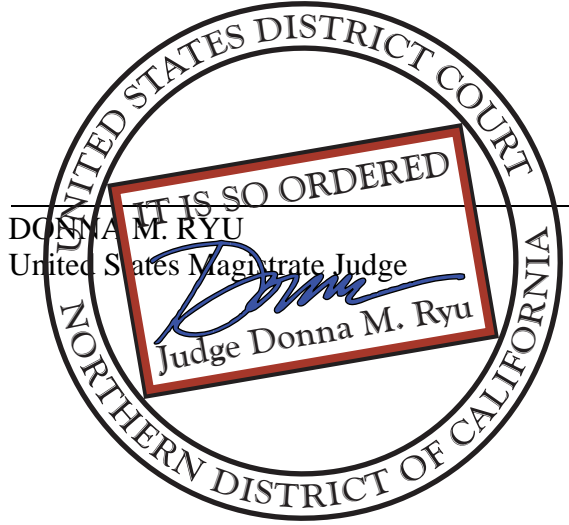
**ORDER**

Pursuant to the stipulation of the parties and GOOD CAUSE APPEARING:

IT IS HEREBY ORDERED that this case is remanded to the Superior Court of California for the County of Contra Costa;

IT IS FURTHER ORDERED that the hearings currently scheduled for March 22, 2012 on Wells Fargo’s Motion to Dismiss and Plaintiff’s Motion to Amend Complaint and Motion to Remand to State Court are vacated.

DATED: February 22, 2012



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