

1 SPIRAX's products on various U.S. Navy or U.S. Maritime Commission vessels, and on
2 defendant's allegations that the products were manufactured under the supervision and control
3 of the United States government; and

4 WHEREAS, Defendant SPIRAX was the sole removing defendant and no other
5 defendant joined in removal or filed a separate notice of removal; and

6 WHEREAS, Plaintiffs and Defendant SPIRAX, the affected parties, have now reached a
7 resolution of Plaintiff's claims against SPIRAX whereby Plaintiff agrees to waive all claims
8 against SPIRAX relating to or arising out of plaintiff's asbestos exposure at military jobsites or
9 aboard U.S. Navy , U.S. Government or U.S. Maritime Commission vessels. Specifically, as of
10 the date of this stipulation, plaintiff's claims against SPIRAX are limited to plaintiff's asbestos
11 exposure on the following vessels:

12 Joseph D. Potts

13 Harbor Princess

14 Harbor Prince

15 Should Plaintiff later discover or recall any other vessel or vessels, presently unknown,
16 which have not been previously identified to date by way of discovery responses or otherwise,
17 Plaintiff agrees to waive all claims against SPIRAX relating to or arising out of plaintiff's
18 asbestos exposure aboard any of such vessels if they are U.S. Navy , U.S. Government or U.S.
19 Maritime Commission vessels.

20 WHEREAS, Plaintiff will file a formal waiver of said claims with the Court prior to the
21 filing of this Stipulation; and

22 WHEREAS, Defendant SPIRAX'S desire for a federal forum for this action is now
23 moot given the resolution of the aforesaid claims against it; and

24 WHEREAS, Plaintiff waives and dismisses its cause of action for punitive damages
25 against SPIRAX; and

26 WHEREAS, pursuant to the parties' resolution, Plaintiffs and Defendant SPIRAX seek
27 to have this action remanded to state court,

28 IT IS HEREBY STIPULATED by the affected parties, Plaintiffs and Defendant

1 SPIRAX that this action shall be, and hereby is immediately remanded to the San Francisco
2 County Superior Court, the court in which it was originally filed and from which it was
3 removed.

4
5 Dated: May _____, 2012

BRAYTON ♦PURCELL LLP

6
7 By: _____
8 Richard Grant
9 Attorneys for Plaintiffs

10 Dated: May _____, 2012


TUCKER ELLIS & WEST LLP

11
12 By: _____
13 Lance D. Wilson
14 Attorneys for Defendant
15 SPIRAX SARCO, INC.

16 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

17 This case is REMANDED to the Superior Court of California, County of San
18 Francisco, Case No. CGC-09-275680. The Clerk shall send a certified copy of this Order to the
19 Clerk of the Court for the Superior Court of California, County of San Francisco.

20
21 Dated: _6/7/12

22 By:  _____
23 United States District Judge
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