ALAN R. BRAYTON, ESQ., CA S.B. #73685 1 DAVID R. DONADIO, ESQ., CA S.B. #154436 RICHARD M. GRANT, ESQ., S.B. #55677 2 E-Mail: rgrant@braytonlaw.com BRAYTON & PURCELL LLP 3 Attorneys at Law 222 Rush Landing Road 4 P.O. Box 6169 Novato, California 94948-6169 5 (415) 898-1555 (415) 898-1247 (Facsimile) 6 7 Attorneys for Plaintiff 8 **UNITED STATES DISTRICT COURT** 9 NORTHERN DISTRICT OF CALIFORNIA 10 11 Case No. 3:12-cv-02555 SBA ANDRE WRIGHT, 12 STIPULATION TO REMAND ACTION 13 Plaintiff, TO STATE COURT AND ORDER THEREON 14 VS. 15 CROWN CORK & SEAL COMPANY, [Local Rules 7-1 and 7-12; FRCP 41] INC., et al. 16 Judge Saundra Brown Armstrong 17 18 19 20 Comes now Plaintiff ANDRE WRIGHT, ("Plaintiff") and Defendant SPIRAX 21 22 SARCO, INC.("SPIRAX"), who file the following joint stipulation pursuant to Local Rules 7-1 23 and 7-12: 24 25 WHEREAS, Defendant SPIRAX removed this case to the United States District Court 26 for the Northern District of California on May 17,2012 on the ground that the Court has 27 "federal officer" subject matter jurisdiction under 28 U.S.C. section 1442(a) based on 28 Plaintiffs' allegations that decedent's injury was caused by alleged exposure to asbestos in C:\Users\clarkl\AppData\Local\Temp\notes06E812\stp-remand-SPISAR.wpd 1 STIPULATION TO REMAND ACTION TO STATE COURT AND ORDER THEREON

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
	2
	C:\Users\clarkl\AppData\Local\Temp\notes06E812\stp-remand-SPISAR.wpd 2 STIPULATION TO REMAND ACTION TO STATE COURT AND ORDER THEREON

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
2	removed.
	Temoveu.
4	Dated: May , 2012 BRAYTON & PURCELL LLP
5	Dated: May, 2012 BRAYTON & PURCELL LLP
6 7	Den
7 8	By: Richard Grant
0 9	Attorneys for Plaintiffs
9 10	Dated: May, 2012 TUCKER ELLIS & WEST LLP
10	Dated. May, 2012 TOCKER ELLIS & WEST LEI
11	
	By: Lance D. Wilson
13	Lance D. Wilson Attorneys for Defendant
14	Attorneys for Defendant SPIRAX SARCO, INC.
15	
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 By:B Qrmstrong
22	United States District Judge
23	
24	
25	
26	
27	
28	
	C:\Users\clarkl\AppData\Local\Temp\notes06E812\stp-remand-SPISAR.wpd 3 STIPULATION TO REMAND ACTION TO STATE COURT AND ORDER THEREON