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5 Attorneys for Plaintiffs

6
7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA

9 EVANGELINA DELEON, Individually)
and as Successor-in-Interest to)
10 SALVADOR M. SAAVEDRA, Decedent;)
11 MARIA ELENA SAAVEDRA; SANDY)
RAMIREZ; JAMES FRANCISCO)
12 SAAVEDRA; JUAN CARLOS)
SAAVEDRA; OSCAR SAAVEDRA;)
13 SALVADOR SAAVEDRA, JR.; and)
14 DOES ONE through TEN, inclusive,)

15 Plaintiffs,)

16 vs.)

17 AC AND S, INC., et al.,)

18 Defendants.)
19)
20)

Civil Action No.: 3:12-cv-5447

(Superior Court of the State of California for
the County of Alameda Case No.:
RG10543234)

**STIPULATION FOR DISMISSAL WITH
PREJUDICE PURSUANT TO FED. R.
CIV. PRO. 41(a); DEFENDANT FOSTER
WHEELER, LLC'S WITHDRAWAL OF
NOTICE OF REMOVAL; [~~PROPOSED~~]
ORDER OF DISMISSAL AND REMAND**

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22
23 WHEREAS Plaintiffs EVANGELINA DELEON, Individually and as Successor-in-
24 Interest to SALVADOR M. SAAVEDRA, Decedent; MARIA ELENA SAAVEDRA; SANDY
25 RAMIREZ; JAMES FRANCISCO SAAVEDRA; JUAN CARLOS SAAVEDRA; OSCAR
26 SAAVEDRA; and SALVADOR SAAVEDRA, JR. want this case to be remanded to Alameda
27 Superior Court and Defendant FOSTER WHEELER LLC wants to be dismissed from this case,

28 IT IS HEREBY STIPULATED AND AGREED by and between counsel for Plaintiffs
STIPULATION TO DISMISS DEFENDANT FOSTER WHEELER, LLC AND FOSTER WHEELER, LLC'S
WITHDRAWAL OF NOTICE OF REMOVAL

1 EVANGELINA DELEON, Individually and as Successor-in-Interest to SALVADOR M.
2 SAAVEDRA, Decedent; MARIA ELENA SAAVEDRA; SANDY RAMIREZ; JAMES
3 FRANCISCO SAAVEDRA; JUAN CARLOS SAAVEDRA; OSCAR SAAVEDRA; and
4 SALVADOR SAAVEDRA, JR., and counsel for Defendant FOSTER WHEELER, LLC, that
5 pursuant to Federal Rules of Civil Procedure 41(a)(2), the Complaint of Plaintiffs in the above-
6 captioned action may be and is hereby dismissed with prejudice as to Defendant FOSTER
7 WHEELER, LLC, only. The parties shall each bear their own costs.

8 IT IS HEREBY FURTHER STIPULATED AND AGREED by and between counsel for
9 Plaintiffs EVANGELINA DELEON, Individually and as Successor-in-Interest to SALVADOR
10 M. SAAVEDRA, Decedent; MARIA ELENA SAAVEDRA; SANDY RAMIREZ; JAMES
11 FRANCISCO SAAVEDRA; JUAN CARLOS SAAVEDRA; OSCAR SAAVEDRA; and
12 SALVADOR SAAVEDRA, JR., and counsel for Defendant FOSTER WHEELER, LLC, that
13 FOSTER WHEELER, LLC withdraws its Notice of Removal in the instant action as it is moot in
14 light of the forgoing stipulated dismissal. As such, FOSTER WHEELER, LLC stipulates to and
15 agrees with Plaintiffs' request that the case be remanded

16 **IT IS SO STIPULATED.**

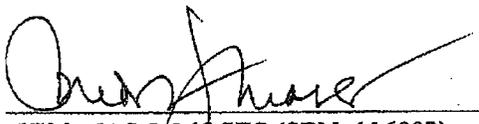
17 **HAROWITZ & TIGERMAN LLP**

18
19 Dated: October 25, 2012

20 By: 
21 STEPHEN M. TIGERMAN (SBN: 112127)
22 Attorney for Plaintiffs

23 **BRYDON HUGO & PARKER**

24
25 Dated: October 26, 2012

26 By: 
27 THOMAS J. MOSES (SBN: 116002)
28 Attorney for Defendant
FOSTER WHEELER, LLC

1 **PURSUANT TO STIPULATION, IT IS SO ORDERED THAT PLAINTIFFS'**
2 **COMPLAINT AS TO DEFENDANT FOSTER WHEELER, LLC IS DISMISSED WITH**
3 **PREJUDICE. EACH PARTY IS TO BEAR ITS OWN COSTS.**

4 **IT IS FURTHER ORDERED THAT FOSTER WHEELER, LLC'S NOTICE OF**
5 **REMOVAL IN THIS ACTION IS WITHDRAWN, AND THAT THIS CASE BE**
6 **IMMEDIATELY REMANDED TO THE SUPERIOR COURT OF THE STATE OF**
7 **CALIFORNIA, COUNTY OF ALAMEDA.**

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9
10 Dated: 11/6/12

