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11 *Counsel for Defendant*

12 **UNITED STATES DISTRICT COURT**
 13 **NORTHERN DISTRICT OF CALIFORNIA**
 14 **OAKLAND DIVISION**

15 **THE RELIGIOUS AND CHARITABLE**
 16 **RISK POOLING TRUST OF THE**
 17 **BROTHERS OF THE CHRISTIAN**
 18 **SCHOOLS AND AFFILIATES,**

19 Plaintiffs,

20 v.

21 **CYNTHIA MAUER, a.k.a, CINDY**
 22 **MAUER, and DOES 1 THROUGH 10**

23 Defendants.

24 **CASE NO. 15-cv-04584-KAW**

25 **STIPULATION AND ~~[PROPOSED]~~**
 26 **ORDER REMANDING CASE TO**
 27 **SAN FRANCISCO SUPERIOR**
 28 **COURT**

1 WHEREAS Plaintiff Religious and Charitable Risk Pooling Trust of the Brothers of the
2 Christian Schools and Affiliates (“Plaintiff”) commenced a civil action in the Superior Court of
3 San Francisco titled: *The Religious and Charitable Risk Pooling Trust of the Brothers of the*
4 *Christian Schools and Affiliates v. Cynthia Mauer*, Case Number CGC-14-544195 (the
5 “Pending Action”);

6 WHEREAS Defendant Cynthia Mauer (“Defendant”) subsequently removed the
7 Pending Action to this Court solely on the basis of diversity jurisdiction;

8 WHEREAS Defendant’s removal was in error under 28 U.S.C. section 1441(b)(2)
9 because Defendant is a citizen of the State of California;

10 WHEREAS counsel for Plaintiff has authorized the undersigned counsel for Defendant
11 to electronically sign this stipulation on his behalf; and

12 WHEREAS, Plaintiff reserves all rights to file a motion for remand in the event that this
13 stipulation is not accepted by the Court;

14 IT IS HEREBY STIPULATED BY AND BETWEEN DEFENDANT AND
15 PLAINTIFF THROUGH THEIR UNDERSIGNED COUNSEL, SUBJECT TO COURT
16 APPROVAL:

- 17 1. The Pending Action is remanded to the Superior Court of San Francisco.
- 18 2. The parties will bear their own attorneys’ fees and costs.

19 Dated: October 8, 2015

GROSS LAW, P.C.

21 By: /s/Stuart G. Gross

Stuart G. Gross

22 *Counsel for Defendant*

24 Dated: October 8, 2015

WEINTRAUB TOBIN CHEDIAK
COLEMAN GRODIN

27 By: /s/Daniel C. Zamora

Daniel C. Zamora

28 *Counsel for Plaintiff*

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PURSUANT TO STIPULATION, IT IS SO ORDERED

Dated: 10/13/15

By: *Kandis Westmore*
The Honorable Judge Kandis A. Westmore