

1 Matthew D. Mellen (Bar No. 233350)
 Sarah Shapero (Bar No. 281748)
 2 MELLEN LAW FIRM
 One Embarcadero Center, Fifth Floor
 3 San Francisco, CA 94111
 Telephone: (415) 315-1653
 4 Facsimile: (415) 276-1902
 5 email@mellenlawfirm.com

6 Attorney for Plaintiff,
 REGINALD RATLIFF

7
 8 **UNITED STATES DISTRICT COURT**
 9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

10
 11 REGINALD RATLIFF, an individual;

12 Plaintiff,

13 vs.

14 TROJAN CAPITAL INVESTMENTS, LLC, a
 Wyoming Limited Liability Company; TRINITY
 15 FINANCIAL SERVICES, LLC, a Wyoming
 Limited Liability Company; and DOES 1
 16 through 50, inclusive,

17 Defendants.

Case No.: 4:16-cv-06172-KAW

**JOINT STIPULATION TO ALLOW
 PLAINTIFF TO FILE AND SERVE A
 THIRD AMENDED COMPLAINT AND
 TO REMAND THIS ACTION TO
 STATE COURT; [PROPOSED] ORDER
 THEREON**

18
 19
 20 Plaintiff Reginald Ratliff (hereinafter, "Plaintiff"), Defendant Trojan Capital Investments,
 21 LLC (hereinafter, "Trojan"), and Defendant Trinity Financial Services, LLC (hereinafter, "Trinity")
 22 by and through their undersigned counsel, hereby respectfully submit the following Joint
 23 Stipulation and [Proposed] Order to Allow Plaintiff to file and serve the Third Complaint for
 24 Damages and Equitable Relief (hereinafter, "Third Amended Complaint") (Doc. No. 11-2 filed
 25 11/10/16), attached hereto as Exhibit A and to remand this action to State Court. Trinity and
 26 Trojan are collectively referred to hereinafter as "Defendants." Plaintiff, Trojan, and Trinity are
 27 collectively referred to hereinafter as the "Parties."

STIPULATION

1
2 WHEREAS, this action was filed originally in the Alameda County Superior Court, Case
3 Number HG15789502 on or around October 14, 2015 (“State Court Action”) alleging causes of
4 action for wrongful foreclosure, negligent misrepresentation and fraud;

5 WHEREAS, Plaintiff filed a First Amended Complaint in the State Court Action on or
6 around December 23, 2015 alleging causes of action for violations of the Homeowner’s Bill of
7 Rights, Negligence, Negligent Misrepresentation, Fraud, and Unfair Business Practices;

8 WHEREAS, Plaintiff filed a Second Amended Complaint in the State Court Action on or
9 around October 13, 2016 alleging causes of action for violations of the Homeowner’s Bill of
10 Rights, Negligence, Violation of 12 U.S.C. § 2605, Violation of Cal. Civ. Code § 1788.11, and
11 Violations of the Business Professions Code;

12 WHEREAS, Defendants removed the State Court Action to this Court on or around
13 October 25, 2016, pursuant to 28 U.S.C. §1331, based on Federal subject matter jurisdiction;

14 WHEREAS, the Parties met and conferred with respect to the dismissal of the third cause
15 of action for violation of 12 U.S.C. §2605 found in the Second Amended Complaint prior to the
16 filing of Plaintiff’s Motion to Amend, however, the Parties were not able to come to an agreement;

17 WHEREAS, the Parties now agree to allow Plaintiff to file the attached Third Amended
18 Complaint;

19 WHEREAS, the Parties agree that it would be appropriate to remand this action to the
20 Alameda County Superior Court; and

21 NOW THEREFORE, the Parties agree and stipulate as follows:

22 That the Court permit Plaintiff to file the Third Amended Complaint attached hereto as
23 Exhibit “A;”

24 That service of the Third Amended Complaint shall be deemed to occur when the Court
25 orders the Complaint filed;

26 That this matter be remanded to the Alameda County Superior Court; and

27 That Defendants shall have thirty (30) days in which to file and serve responsive pleadings
28

1 to the Third Amended Complaint starting from when the U.S. District Court notifies the Parties
2 that and this matter is remanded and transferred back to Alameda County Superior Court..
3
4

5 Respectfully submitted,

6 DATED: December 6, 2016

BURKE, WILLIAMS & SORENSEN, LLP

7
8 By: /s/ Fabio Cabezas
Richard Reynolds
Fabio Cabezas
9 Attorneys for Defendants
10


11 DATED: December 6, 2016

MELLEN LAW FIRM

12
13 By: /s/ Sarah Shapero
Matthew Mellen
Sarah Shapero
14 Attorneys for Plaintiff
15
16

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

18
19 DATED: 12/8/16



Honorable Kandis A. Westmore
United States Magistrate Judge
20
21
22
23
24
25
26
27
28