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8 Attorneys for Plaintiff Roy Richard, on behalf of himself and all “aggrieved employees” pursuant to
 Labor Code § 2698 *et seq.*

10 UNITED STATES DISTRICT COURT FOR THE
 11 NORTHERN DISTRICT OF CALIFORNIA

13 ROY RICHARD, on behalf of himself and all
 “aggrieved employees” pursuant to Labor
 14 Code § 2698 *et seq.*,

15 Plaintiff,

16 v.

17 A-PARA TRANSIT CORP., a California
 corporation, and DOES 1 through 10,
 18 inclusive,

19 Defendants.

Case No. 4:17-cv-05299-HSG

Hon. Haywood S. Gilliam, Jr.

**STIPULATION BY PARTIES TO
 REMAND ACTION TO STATE COURT;
 ORDER THEREON**

Complaint Filed: August 4, 2017
Action Removed: September 13, 2017

RECITALS

1
2 Plaintiff ROY RICHARD (“Plaintiff”) and Defendant A-PARA TRANSIT CORP, a
3 California corporation (“Defendant”) (together as the “Parties”), through their respective counsel of
4 record, hereby stipulate and agree as follows:

5 **WHEREAS**, on August 4, 2017, Plaintiff individually and on behalf of all “aggrieved
6 employees” under the Private Attorneys General Act (“PAGA”), filed a Representative Action in
7 the Superior Court of California, County of Alameda, Case No. HG 17 870373 (“the Complaint”).

8 **WHEREAS**, Defendant was served with the Complaint on August 14, 2017.

9 **WHEREAS**, on September 13, 2017, Defendant filed a Notice of Removal of the
10 Complaint and removed the Action to this Court.

11 **WHEREAS**, on September 13, 2017, this case was assigned to Magistrate Judge Joseph S.
12 Spero.

13 **WHEREAS**, on September 29, 2017, this case was reassigned to this Court.

14 **WHEREAS**, on January 11, 2018, the Parties attended a mediation with Francis Ortman,
15 Esq., but were not successful at reaching a resolution. The Parties, however, are continuing to
16 discuss resolution.

17 **WHEREAS**, Plaintiff and Defendant have met and conferred regarding Plaintiff’s intent to
18 file a motion to remand this action to the State Court.

19 **WHEREAS**, the Parties, after further meet and confer efforts, have agreed to remand this
20 action to the State Court, subject to Plaintiff’s filing of the First Amended Complaint, which revises
21 the claims he is asserting to, among other things, exclude Defendants’ unionized employees who are
22 subject to a collective bargaining agreement from certain claims.

23 **WHEREAS**, Defendant does not hereby, or otherwise, admit the sufficiency of the
24 allegations in the First Amended Complaint or the truth of any fact or claim alleged therein.

25 **WHEREAS**, on March 1, 2018, this Court granted the parties' request to e-file the First
26 Amended Complaint and directed the parties to file a stipulation and proposed order remanding the
27 case after Plaintiff filed the First Amended Complaint.

28 **WHEREAS**, Plaintiff e-filed the First Amended Complaint on March 5, 2018.

ORDER

Pursuant to the above Stipulation between the Parties, and for good cause appearing, the Court hereby ORDERS as follows:

1. The Action is immediately remanded to the Superior Court of California for the County of Alameda.

IT IS SO ORDERED.

Dated: March 16, 2018


JUDGE HAYWOOD S. GILLIAM, JR.