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Gregory M. Sheffer, Esq., State Bar No. 173124
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Attorneys for Plaintiff
ROBERT A. BROWN

Filed
MAY 27 2005
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

B

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

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BW

ROBERT A. BROWN, an individual)
)
Plaintiff,)
)
v.)
)
GOOGLE, INC.; PAYROLLING.COM;)
MARISSA MAYER; and DOES 1 through)
20,)
)
Defendants.)

No. C05 01779 PVT
**NOTICE OF MOTION AND MOTION TO
REMAND**

Date: July 12, 2005
Time: 10:00 a.m.
Dept.: 5
Judge: Hon. Patricia V. Trumbull

BY FAX

TO DEFENDANTS AND THEIR ATTORNEYS OF RECORD:

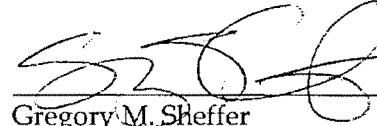
NOTICE IS HEREBY GIVEN that on July 12, 2005, at 10:00 a.m., or as soon thereafter as
counsel may be heard by the above-entitled Court, located at 280 South 1st Street, Courtroom 5, in
the City of San Jose, the Honorable Patricia V. Trumbull presiding, plaintiff Robert A. Brown will
and hereby does move this Court to remand this action to the Superior Court of Santa Clara. This
Motion is made upon the grounds that this Court lacks original jurisdiction and defendant's
removal is inappropriate, as Mr. Brown's State law claims of breach of contract involving only
benefits and not the benefit *plan*, is not preempted by ERISA.

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This Motion is based upon this Notice of Motion and Motion, the Memorandum of Points and Authorities filed herewith, the Declaration of Gregory M. Sheffer, the pleadings and papers on file herein, and upon such other matters as may be presented to the Court at the time of the hearing.

Dated: May 27, 2005

THE SHEFFER LAW FIRM



Gregory M. Sheffer
Attorneys for Plaintiff
ROBERT A. BROWN

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PROOF OF SERVICE

I am employed in the County of San Francisco, State of California. I am a citizen of the United States, over the age of 18 years, and not a party to the within action. My business address is 160 Sansome Street, 2nd Floor, San Francisco, CA 94104.

On May 27, 2005, I served the following document(s), entitled PLAINTIFF ROBERT A. BROWN'S NOTICE OF MOTION AND MOTION FOR REMAND, on each interested party as follows:

Heather Burror
Akin Gump Strauss Hauer & Feld LLP
580 California Street, Suite 1500
San Francisco, CA 94104-1036

XX ___ (BY HAND DELIVERY) I placed a true and correct copy of the foregoing document(s) in a sealed envelope addressed to each interested party as set forth above. I then caused said envelope to be served personally by a messenger known to me.

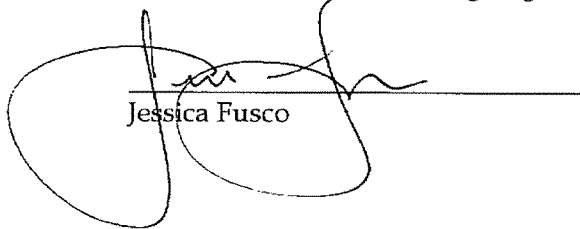
Ronald H. Blumberg
Aniko M. Felsen
Blumberg Lorber Nelson LLP
137 Acacia Avenue
Solana Beach, CA 92075

Catherine A. Conway, Esq.
Akin Gump Strauss Hauer & Feld LLP
2029 Century Park East, Suite 2400
Los Angeles, CA 90067-3012

XX ___ (BY FEDERAL EXPRESS) I deposited in a box or other facility maintained by Federal Express, an express carrier service, or delivered to a courier or driver authorized by said express carrier service to receive documents, a true and correct copy of the foregoing document(s), in an envelope designated by said express service carrier, with delivery fees paid or provided for.

XX ___ (BY ELECTRONIC MAIL) I caused a true and correct copy of the foregoing document(s) to be served by electronic mail at the time shown on the mailing to each interested party at the electronic mail address shown above. Each mailing was reported as sent and without error.

Executed this 27th day of May, 2005, at San Francisco, California. I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.



Jessica Fusco