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E-FILED 11/17/06

ATTORNEY FOR PLAINTIFF

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

BARBARA VENTURA,
Plaintiff,
v.
MBNA AMERICA BANK, et al.
Defendants.

**STIPULATION TO REMAND
AND AMEND COMPLAINT
and [PROPOSED] ORDER**

06-06720 RMW

HON. RONALD M. WHYTE

The parties hereby stipulate to remand the above-captioned action to the Santa Clara County Superior Court. The plaintiff does not have causes of action under federal law, thus remand is appropriate.

The parties also stipulate that the attached Amended Complaint shall be the operative complaint. Defendant Bank of America, N.A. (USA), sued as MBNA America Bank, hereby accepts service of the attached Amended Complaint and shall have 30-days to file a responsive pleading.

Dated: 11/11/06

/s/Ronald Wilcox
Ronald Wilcox
Attorney for Plaintiff

Dated:

/s/Tamara Rudolph
Tamara Rudolph,
Attorney for Defendant Bank of America, N.A.
(USA) sued as MBNA America Bank

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[PROPOSED] ORDER

Pursuant to the parties stipulation this matter is remanded to the Santa Clara County

Superior Court.

Date: 11/17/06

/s/ Ronald M. Whyte

HON. RONALD M. WHYTE