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13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**
15 **SAN JOSE DIVISION**

16 JENNA GODDARD, individually and on
behalf of a class of similarly situated
17 individuals,

18 Plaintiff,

19 v.

20 GOOGLE INC., a Delaware corporation,

21 Defendant.
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CASE NO. 5:08-cv-02738-JF

**[PROPOSED] ORDER GRANTING
PLAINTIFF JENNA GODDARD'S
MOTION TO REMAND**

[28 U.S.C. § 1447(c)]

Date: September 5th, 2008
Time: 9:00 AM
Judge: Jeremy Fogel
Date Action Filed: 5/30/2008
No Trial Date Set

[Filed Concurrently With: Notice of
Motion and Motion to Remand]

1 Plaintiff JENNA GODDARD'S Motion to Remand was heard before this Court on
2 September 5, 2008 at 9am before the Honorable Jeremy Fogel, United States District Court,
3 Northern District of California, San Francisco, California, with all parties having appeared
4 through counsel.

5 The Court having reviewed the Motion, and after consideration of the opposition and
6 reply papers, arguments of counsel, and all other matters presented, finds as follows:

7 Plaintiff's motion is granted in its entirety. This Court lacks jurisdiction over the
8 underlying matter. Defendant, as the proponent of removal, has failed to prove, by a
9 preponderance of the evidence, that the requisites for removal under the Class Action Fairness
10 Act are satisfied. Therefore, pursuant to 28 U.S.C. § 1447(c) the underlying action is
11 remanded to the Superior Court of the State of California, County of Santa Clara, with
12 attorneys' fees and costs awarded to Plaintiff.

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14 DATED: _____

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16 By: _____
17 Hon. Jeremy Fogel
18 United States District Court
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