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 8 **IN THE UNITED STATES DISTRICT COURT FOR THE**
 9 **NORTHERN DISTRICT OF CALIFORNIA**
 10 **SAN FRANCISCO DIVISION**

11 FIRST AMERICAN TITLE)	Case No. 08-5484-JF
COMPANY, a California Corporation)	
)	
Plaintiff,)	STIPULATION TO DISMISS
)	
v.)	
)	
MID-COAST REALTY, et al.,)	
)	
Defendants.)	

17 The parties stipulate as follows:

18 1. This is an interpleader action to determine the parties rights and interest to certain
 19 proceeds. At the time of removal, the United States had an interest in the proceeds related to
 20 certain tax debts of one of the parties. Consequently, the United States removed this action from
 21 state court pending a determination related to the government’s interests in proceeds from the
 22 sale of certain property.

23 2. Prior to the filing of the United States’ petitions for removal, this action had
 24 previously been removed to federal bankruptcy court in San Jose, in the case styled as In re
 25 Bardis, Case Number 08-34878 and adversary case number 08-5322. In that regard, the claims
 26 are identical in both actions and the duplicate removal by the United States was unintended.
 27 Counsel for the United States was not aware of the bankruptcy case (and prior removal) before
 28 filing the second petition for removal.

Stipulation
Case No. 08-5484-JF

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**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

**FIRST AMERICAN TITLE
COMPANY, a California Corporation**

Plaintiff,

v.

MID-COAST REALTY, et al.,

Defendants.

Case No. 08-5484-JF

[PROPOSED] ORDER

In accordance with the parties' stipulation, this case is dismissed without prejudice. Defendant, the United States of America, is directed to serve a copy of this Order on each party that has not entered an appearance.

IT IS SO ORDERED.

Dated: 4/10, 2009



JEREMY FOGEL
United States District Court Judge