

1 Christopher A. Carr (#44444)
 2 ccarr@afrc.com
 3 ANGLIN, FLEWELLING, RASMUSSEN
 4 CAMPBELL & TRYTTEN, LLP
 5 199 S. Los Robles Avenue, Suite 600
 6 Pasadena, California 91101-2459
 7 Tel: (626) 535-1900, Fax: (626) 577-7764

8 Attorneys for Defendant,
 9 WACHOVIA MORTGAGE, FSB and GOLDEN
 10 WEST SAVINGS ASSOCIATION SERVICE CO.

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION

13 RAMON GONZALEZ, et al.,
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 15 Plaintiffs
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 17 vs.
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 19 WACHOVIA MORTGAGE, FSB, et al.,
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 21 Defendants.

08-CV05549-PVT

STIPULATION TO REMAND ACTION
 TO STATE COURT and ~~PROPOSED~~
 ORDER

22 COME NOW plaintiffs RAMON GONZALEZ and SILVIA GONZALEZ, by and
 23 through their counsel of record, Reuben L. Nocos, and defendants WACHOVIA MORTGAGE,
 24 FSB and GOLDEN WEST SAVINGS ASSOCIATION SERVICE CO. (collectively, “Wachovia
 25 Defendants”), by and through their counsel of record, Christopher A. Carr of Anglin, Flewelling,
 26 Rasmussen, Campbell & Trytten, LLP, and stipulate as follows:

27 1. Plaintiffs filed this action in the Superior Court of California for the County of Santa
 28 Clara on October 21, 2008; it was assigned #108CV125803.

2. On December 12, 2008, the Wachovia Defendants removed the action to this Court.
 The original complaint contained claims that the Wachovia Defendants violated the Truth in
 Lending Act and the Real Estate Settlement Procedures Act, so the basis of removal was that

1 “Federal question” existed. The Wachovia Defendants then filed a motion to dismiss and motion
2 to strike; those motions are presently set for hearing on February 3, 2009.

3 3. On January 9, 2009, plaintiffs filed a First Amended Complaint (“FAC”). The FAC
4 expressly eliminates all references to Federal law. Plaintiffs then, on January 14, filed a motion
5 to remand the case to Santa Clara Superior Court.

6 4. No defendant other than the Wachovia Defendants has filed any papers in this Court.

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28 5. In view of the dropping of the Federal claims, plaintiffs and the Wachovia Defendants

1 hereby stipulate that the action may be remanded to Santa Clara Superior Court.

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3 SO STIPULATED.

4 Dated: January 29, 2009

ANGLIN, FLEWELLING, RASMUSSEN,
CAMPBELL & TRYTTEN LLP

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By: /s/Christopher A. Carr
Christopher A. Carr
ccarr@afrc.com
Attorneys for Defendants WACHOVIA
MORTGAGE, FSB and GOLDEN WEST
SAVINGS ASSOCIATION SERVICE CO.

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Dated: January 29, 2009

LAW OFFICES OF REUBEN L. NOCOS

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By: /s/Reuben L. Nocos
Reuben L. Nocos
rlnocos@nocoslaw.com
Attorney for Plaintiffs

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Upon reading and filing the foregoing stipulation, and good cause appearing,

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IT IS ORDERED that this action is hereby remanded to the Superior Court of California for
the County of Santa Clara.

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Dated: ~~February~~ ^{Jan.} 30, 2009

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UNITED STATES ~~DISTRICT COURT~~ JUDGE
MAGISTRATE

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