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

STEVEN SIMON, MICHAEL KALLOCK AND
ALEXEY TERSKIKH, on Behalf of Himself and
All Others Similarly Situated,

Plaintiffs,

v.

ERIC STANG, LEN DEBENEDICTIS, HANK
GAUTHIER, and RELIANT TECHNOLOGIES,
INC.,

Defendants.

Case Number C 10-00262 JF (HRL)

**ORDER¹ GRANTING
PLAINTIFFS' MOTION TO
REMAND**

[re doc. no. 11]

Plaintiffs Steven Simon, Michael Kallok, and Alexey Terskikh (collectively, "Plaintiffs") filed this putative class action in the Santa Clara Superior Court on December 12, 2009. Pursuant to the Securities Litigation Uniform Standards Act of 1998 ("SLUSA"), 15 U.S.C. §§ 77p, 78bb, Defendants Eric Stang, Len Debenedictis, Hank Gauthier, and Reliant Technologies, Inc. (collectively, "Defendants") removed the action to this Court. Plaintiffs

¹ This disposition is not designated for publication in the official reports.

1 moved to remand, and Defendants moved to dismiss. On April 12, the Court concluded that
2 some of Plaintiffs' claims were precluded by SLUSA and granted in part Defendants' motion to
3 dismiss the complaint. Plaintiffs were granted leave to amend to avoid inadvertently pled
4 federal claims. The Court deferred determination of Plaintiffs' motion for remand pending
5 Plaintiffs' amendment.

6 On May 5, 2010, Plaintiffs requested consideration of their motion for remand and
7 provided a copy of the first amended complaint. On May 28, 2010, Defendants submitted a
8 statement of non-opposition to Plaintiffs' renewed request to remand. Good cause therefor
9 appearing, the motion to remand will be granted. The Clerk shall transmit the file to the Santa
10 Clara Superior Court.

11 **IT IS SO ORDERED**

12
13 DATED: 6/7/2010

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15 JEREMY FOGEL
16 United States District Judge