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6 **U.S. DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
7 **SAN JOSE DIVISION**

8 PHILLIP and JOANNE WYATT,) Civil Action No.10-03553 LHK
9)

10 Plaintiff.)

11 v.)

12 WELLS FARGO BANK, N.A., WELLS)
FARGO FINANCIAL CALIFORNIA, INC.)
13 WELLS FARGO FINANCIAL NATIONAL)
BANK, NATASHA DOE, STEPHANIE)
DOE, ANNA DOE, and DOES 1-10,)

14 Defendants.)
15)

**STIPULATION TO REMAND
TO SUPERIOR COURT and
~~Proposed~~ ORDER**

16 Plaintiffs filed this action originally in Santa Clara Superior Court. On August 12, 2010
17 some of the Defendants removed the matter to federal court alleging federal subject matter
18 jurisdiction pursuant to the Telephone Consumer Protection Act, 47 U.S.C. §227.

19 The parties have agreed that while 47 U.S.C. §227 is a federal statute, state courts have
20 exclusive jurisdiction regarding a cause of action under this statute. *Murphey v. Lanier*, 204 F.3d
21 911, 915 (9th Cir. 2000). Furthermore, agreement by all defendants is required for removal to
22 federal court. Thus, the parties stipulate and agree that the case be remanded to Santa Clara
23 Superior Court (110-CV-175840).

1 Each party shall bear its own costs and expenses incurred in connection with defendants'
2 removal and the subsequent remand at this time. In the event Plaintiffs are successful in this
3 action they can seek their fees and costs relating to the remand and removal at that time.
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6 Respectfully submitted,

7 /s/Ronald Wilcox
8 Ronald Wilcox, Attorney for Plaintiff

9/2/10
Date

9 /s/Raymond Cho
10 Raymond Cho, Attorney for Defendants

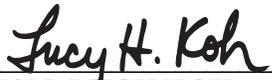
9/2/10
Date

11
12 ~~Proposed~~ ORDER

13 The Court hereby adopts the parties' stipulation. This matter is remanded to the Superior
14 Court. Each party shall bear its own costs and expenses incurred in connection with defendants'
15 removal and the subsequent remand at this time. In the event Plaintiffs are successful in this
16 action they can seek their fees and costs relating to the remand and removal at that time.
17

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19 **IT IS SO ORDERED.**

20 Date: September 3, 2010

21 
22 _____
23 HON. LUCY KOH
24 U.S. DISTRICT COURT JUDGE
25