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15 Attorneys for Defendants
 16 Walgreen Company, ETHEX Corporation and
 17 KV Pharmaceutical Company

18 IN THE UNITED STATES DISTRICT COURT
 19 FOR THE NORTHERN DISTRICT OF CALIFORNIA

SNR DENTON US LLP
 525 MARKET STREET, 26TH FLOOR
 SAN FRANCISCO, CALIFORNIA 94105-2708
 (415) 882-5000

20 TERESA A. SAENZ,
 21
 22 Plaintiff,

23 vs.

24 WALGREEN COMPANY, a Corporation;
 25 ETHEX CORPORATION, a Corporation;
 26 and KV PHARMACEUTICAL, a
 27 Corporation;
 28 Defendants.

Case No. 5:10-cv-04553-JF

STIPULATION AND [PROPOSED]
 ORDER REMANDING ACTION TO
 STATE COURT

1 **STIPULATION**

2 Plaintiff Teresa A. Saenz (“Ms. Saenz”) and Defendants Walgreen Company, ETHEX
3 Corporation and KV Pharmaceutical Company (“Defendants”), by and through their respective
4 counsel of record, hereby stipulate as follows and respectfully request that the Court approve
5 and give effect to their stipulation:

6 1. The present action, entitled *Teresa A. Saenz v. Walgreen Company, ETHEX*
7 *Corporation, and KV Pharmaceutical*, was initially filed in Santa Clara Superior Court,
8 Case No. 110CV166323, on or about March 11, 2010. Defendants timely removed this case on
9 October 7, 2010, to the United States District Court for the Northern District of California,
10 Case No. 5:10-cv-04553-JF (the “Action”). Removal was based on diversity jurisdiction and
11 Ms. Saenz’s discovery responses averring that the amount in controversy exceeds \$75,000.

12 2. Ms. Saenz now agrees that the total amount (including any damages, punitive
13 damages, attorneys’ fees, or other forms of relief) that she can recover in this Action, or in any
14 other action, lawsuit or proceeding of any kind which is based upon or in any way related to any
15 fact, transaction, claim or allegation contained in or related to the Action, is limited to no more
16 than \$50,000.00. Under no circumstance will Ms. Saenz seek to recover or may any judgment
17 exceed \$50,000.00, regardless of whether the matter proceeds in state or federal court and
18 regardless of whether the matter is decided by a jury verdict or a court decision.

19 3. Ms. Saenz expressly waives any right she may have to any relief in excess of
20 \$50,000.00 which is based upon or in any way related to any fact, transaction, claim or
21 allegation contained in or related to the Action. Ms. Saenz intends that Defendants shall rely
22 upon this representation and waiver in agreeing to this stipulation, and that this stipulation shall
23 be effective as a full and final release of any claim in excess of \$50,000.00.

24 4. This stipulation is binding upon Ms. Saenz, as well as her attorneys, successors,
25 assigns, heirs, legatees, devisees, estates, employees, servants, agents, partners, representatives,
26 and all persons acting by, through, under or in concert with Ms. Saenz or any of them.
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5. In view of Ms. Saenz's stipulation, the parties agree that this case may be remanded to the Superior Court of California for the County of Santa Clara for further proceedings under Superior Court Case No. 110CV166323. If this case is remanded, the parties agree that the case management conference set for December 17, 2010 should be vacated.

IT IS SO STIPULATED.

Dated: December 15, 2010

By: Teresa A. Saenz
TERESA A. SAENZ

Plaintiff

Dated: December 15, 2010

THE BOCCARDO LAW FIRM, INC.

By: /s/ Victor F. Stefan
VICTOR F. STEFAN

Attorneys for Plaintiff
Teresa A. Saenz

Dated: December 15, 2010

SNR DENTON US LLP

By: /s/ Bonnie Lau
GARY M. ROBERTS
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ORDER

The parties having stipulated and good cause appearing, IT IS HEREBY ORDERED that based upon Plaintiff Teresa Saenz's agreement not to seek damages, punitive damages, attorney's fees, or other forms of relief exceeding \$50,000.00 in this Action or any other action or proceeding which is based upon or in any way related to any fact, transaction, claim or allegation contained in the Action, this matter is hereby remanded to the Superior Court of California for the County of Santa Clara for further proceedings under Superior Court Case No. 110CV166323. The case management conference set for December 17, 2010 is hereby vacated. Each party shall bear its own fees and costs.

Dated: 12/16/10

27358956



HONORABLE JEREMY FOGEL
UNITED STATES DISTRICT COURT JUDGE