

1 #1427  
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8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA - SAN JOSE DIVISION

10	MIGUEL RAMIREZ-TORRES,	)	Case No. C 10-05982 PSG
11	Plaintiff,	)	
12	vs.	)	STIPULATION FOR AMENDMENT OF
13	COUNTY OF SANTA CLARA, and	)	COMPLAINT AND REMAND OF
14	DOES 1 to 50, inclusive,	)	ACTION TO STATE COURT;
15	Defendants.	)	XXXXXXXXXX RDER
16		)	
		)	Federal Rules of Civil Procedure, Rule 15(a)
		)	28 U.S.C. Section 1447(c)

17 TO THE HONORABLE COURT, TO ALL PARTIES HEREIN, AND TO THEIR ATTORNEYS:  
 18 PLEASE TAKE NOTICE that Plaintiff MIGUEL RAMIREZ-TORRES, by and through his  
 19 attorney of record Louis Spitters of the Law Offices of Louis Spitters, and Defendant COUNTY  
 20 OF SANTA CLARA, by and through its attorney Nancy L. Clark, Deputy County Counsel, of the  
 21 Office of the County Counsel, hereby stipulate as follows:

- 22 1. This action was removed by Defendant from the Superior Court of California,  
 23 County of Santa Clara by Defendant on December 30, 2010 solely based upon the Court's Removal  
 24 Jurisdiction, in that the Complaint includes claims for relief arising under federal law.
- 25 2. The parties hereby stipulate and agree, pursuant to Federal Rules of Civil Procedure,  
 26 Rule 15(a), and in accordance with *Hells Canyon Preservation Council v U.S. Forest Service*,  
 27 403 F.3d 683, 687-88 (9thCir. 2005) , that the Complaint shall be and is hereby amended to  
 28 eliminate claims arising under federal law, including the following claims for relief alleged therein:

1 the First Cause of Action for Violation of 42 USC Sec. 1983 (appearing at page 7, line 24 to page  
2 8, line 25); the Second Cause of Action for Violation of 42 USC Section 1981 (appearing at page  
3 8, line 26 to page 9, line 23); and the Third Cause of Action for Violation of Title VII – Race  
4 Discrimination (appearing at page 9, line 24 to page, line 28). It is further agreed that each party  
5 shall bear their own costs and attorneys fees, if any, with respect to this amendment and the  
6 resulting elimination of the foregoing claims for relief from this action.

7 3. The parties further stipulate and agree, in light of the foregoing amendment, that the  
8 Complaint, as amended, sets forth no basis for jurisdiction in this District Court, and since no  
9 significant District Court resources have been expended, pursuant to 28 U.S.C. Section 1447(c),  
10 and in accordance with *Carnegie-Mellon University v Cohill*, 484 U.S. 343, 351–354, 108  
11 Sup.Ct. 614, 619–621 (1988) (court should remand action on elimination of federal  
12 claims), this action shall be remanded to the Superior Court of California, County of Santa  
13 Clara, under Case No. 1-10-CV-188889.


14 DATED: January 27, 2011

LAW OFFICES OF LOUIS SPITTERS

  
LOUIS SPITTERS  
Attorney for Plaintiff  
MIGUEL RAMIREZ-TORRES

18 DATED: January 27, 2011

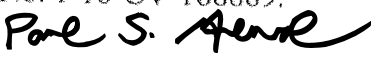
OFFICE OF THE COUNTY COUNSEL

  
NANCY J. CLARK, Deputy County Counsel  
Attorney for Defendant  
COUNTY OF SANTA CLARA

22 ORDER ON STIPULATION

23 The Court having reviewed the foregoing Stipulation, and for good cause appearing,  
24 IT IS HEREBY ORDERED that this action shall be remanded to the Superior Court of  
25 California, County of Santa Clara, under Case No. 1-10-CV-188889.

26 DATED: February 1, 2011

  
HON. PAUL S. GREWAL  
U.S. DISTRICT MAGISTRATE JUDGE

1 Case Name: Miguel Ramirez-Torres v County of Santa Clara  
2 U.S. District Court, Northern District of California, San Jose Division, Case No.: C 10-05982 PSG

3 **PROOF OF SERVICE BY U.S. MAIL**

4 I certify and declare as follows:

5 I am over the age of 18 years, and not a party to this action. My business address is 96  
6 North Third Street, Suite 500, San Jose, California 95112, which is located in the county where the  
7 mailing described below took place.

8 I am readily familiar with the business practice at my place of business for collection and  
9 processing of correspondence for mailing with the United States Postal Service. Correspondence  
10 so collected and processed is deposited with the United States Postal Service that same day in the  
11 ordinary course of business.

12 On January 27, 2011 at my place of business at 96 North Third Street, Suite 500, San  
13 Jose, California, (a copy of the attached/the following document):

14 STIPULATION FOR AMENDMENT OF COMPLAINT AND REMAND OF ACTION TO  
15 STATE COURT; [Proposed] ORDER

16 was placed for deposit in the United States Postal Service in a sealed envelope, with postage fully  
17 prepaid, addressed to:

18 Nancy Clark, Deputy County Counsel  
19 Office of the County Counsel  
20 County of Santa Clara  
21 70 West Hedding Street, East Wing – Ninth Floor  
22 San Jose, CA 95110  
23 **Attorneys for Defendant County of Santa Clara**

24 and the envelope was placed for collection and mailing on that date following ordinary business  
25 practices.

26 I certify and declare under penalty of perjury under the laws of the United States and of the  
27 State of California that the foregoing is true and correct.

28 Executed on January 27, 2011

  
LOUIS SPITTERS