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1 David S. Markun (SBN 108067)
 Daria Dub Carlson (SBN 150628)
 2 MARKUN ZUSMAN FRENIERE & COMPTON LLP
 17383 Sunset Boulevard, Suite A380
 3 Pacific Palisades, California 90272
 Telephone: (310) 454-5900
 4 Facsimile: (310) 454-5970
 Email: dmarkun@mzclaw.com
 5 Email: dcarlson@mzclaw.com

6 Edward S. Zusman (SBN 154366)
 Oriet Cohen-Supple (SBN 206781)
 7 MARKUN ZUSMAN FRENIERE & COMPTON LLP
 465 California Street, 5th Floor
 8 San Francisco, California 94104
 Telephone: (415) 438-4515
 9 Facsimile: (415) 434-4505
 Email: ezusman@mzclaw.com
 10 Email: ocohen@mzclaw.com

11 Jon R. Giffen (SBN 142158)
 KENNEDY ARCHER & HARRAY
 12 24591 Silver Cloud Ct. #200
 Monterey, California 93940
 13 Telephone: (831) 373-7500
 Facsimile: (831) 373-7555
 14 Email: jgiffen@kahlaw.net

15 *Attorneys for Plaintiffs LPL Financial, LLC and*
 16 *William Hastie*

17 **UNITED STATES DISTRICT COURT**

18 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE**

19
 20 LPL FINANCIAL, LLC, a California
 limited liability company; and
 21 WILLIAM HASTIE, an individual,

22 Plaintiffs,

23 v.

24 MIKE T. BRILEY, et al.,

25 Defendants.

Case No. C-13 1207 HRL

STIPULATION AND ~~PROPOSED~~ ORDER TO
 REMAND REMOVED ACTION

27 IT IS HEREBY STIPULATED by and between the plaintiffs LPL Financial, LLC, and
 28 William Hastie ("Plaintiffs") on one hand, and defendants Michael T. Briley, Steve Shearn, F.

1 Warren Wayland, Hayashi & Wayland Accounting and Consulting, LLP, Hayashi & Wayland
2 Retirement Plan Services, Hayashi & Wayland Administrative and Insurance Services, Inc.,
3 Hayashi & Wayland Investment Services, LLC, and Leigh Jeter (“Defendants”) on the other
4 hand, (collectively “Parties”), through their respective attorneys of record as follows:

5 **STIPULATION**

6 1. On December 31, 2012, Plaintiffs commenced an action in the Superior Court of
7 the State of California in and for the County of Monterey entitled *LPL Financial, LLC, and*
8 *William Hastie vs. Mike Briley, et al.*, case number M121336 (the “Action”).

9 2. On January 11, 2013, the Defendants accepted service of the Complaint.

10 3. On or about January 30, 2013, the Defendants accepted service of the First
11 Amended Complaint, to which the Defendants filed an Answer on March 15, 2013.

12 4. On March 19, 2013, the Defendants filed a Notice of Removal of the Action to this
13 Court, pursuant to U.S.C. §1441(b) based on Plaintiffs’ claim of computer fraud under 18 U.S.C.
14 §1030(a).

15 5. On March 21, 2013, the Defendants completed the removal process by filing a
16 conformed copy of the Notice of Removal with Monterey County Superior Court.

17 6. On September 23, 2013, the parties filed a Stipulation and [Proposed] Order with
18 this Court pursuant to which the Defendants stipulated that Plaintiffs may file a Second Amended
19 Complaint that omitted Plaintiffs’ claim for computer fraud under 18 U.S.C. §1030(a) (“SAC”).

20 7. On October 8, 2013 honorable magistrate judge Howard R. Lloyd entered an
21 Order permitting Plaintiffs to file the SAC.

22 8. On October 8, 2013, Plaintiffs filed the SAC with this Court, which omitted the 18
23 U.S.C. § 1030(a) claim and, in turn, the basis for this Court’s jurisdiction over the Action.

24 **THEREFORE, IT IS HEREBY STIPULATED BETWEEN THE PARTIES THAT:**

25 9. The Action should immediately be remanded to the Monterey County Superior
26 Court.

27 10. Each Party shall bear his/her/its/their own attorneys’ fees and costs with respect to
28

1 the removal and subsequent remand of the Action pursuant to this stipulation.

2 11. This Stipulation moots all pending deadlines, and hearings in this case should be
3 taken off the Court's calendar.

4 12. This Stipulation shall not be construed as an admission or statement that the
5 Action was improperly removed to federal court.

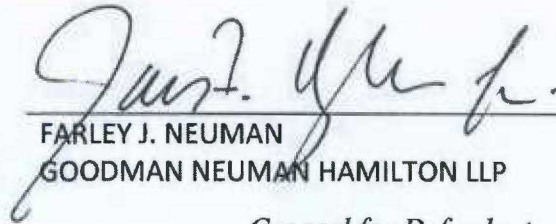
6
7 Dated: 10/3/2013



8 DAVID S. MARKUN
9 MARKUN ZUSMAN FRENIERE & COMPTON LLP

10 *Counsel for Plaintiffs*

11
12 Dated: 10/3/2013



13 FARLEY J. NEUMAN
14 GOODMAN NEUMAN HAMILTON LLP

15 *Counsel for Defendants*

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ORDER

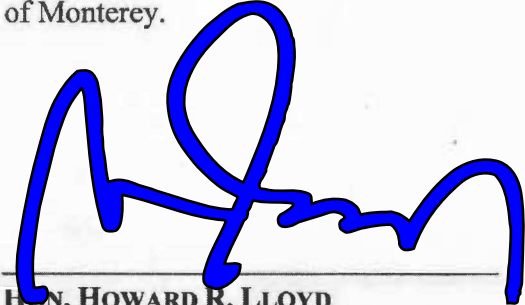
THE COURT, HAVING REVIEWED THE STIPULATION AND HAVING DETERMINED THAT GOOD CAUSE EXISTS, ORDERS AS FOLLOWS:

1. The Parties' Stipulation is approved;
2. Northern District of California case number C-13 1207 HRL; titled *LPL*

FINANCIAL LLC AND WILLIAM HASTIE V. MIKE T. BRILEY, et al.; is hereby remanded to the Superior Court of California, County of Monterey.

IT IS SO ORDERED.

Dated: October 16, 2013



HON. HOWARD R. LLOYD
UNITED DISTRICT COURT MAGISTRATE JUDGE