

THE HONORABLE JUDGE JAMES L. ROBART

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
SEATTLE DIVISION

STATE FARM FIRE AND CASUALTY
COMPANY as subrogee for Derek and Kirsten
Kalles,

Plaintiff,

v.

HOME DEPOT PRODUCT AUTHORITY,
LLC, a Georgia corporation, and THE HOME
DEPOT, INC., a Georgia corporation,

Defendants.

CAUSE NO. 2:21-CV-00323- JLR

STIPULATED MOTION TO REMAND

NOTING DATE: JULY 13, 2021

Plaintiff State Farm and Casualty Company, as subrogee for Derek and Kirsten Kalles
("Plaintiff") and Home Depot Product Authority, LLC and The Home Depot, Inc. (collectively
"Home Depot") stipulate as follows:

1. On October 7, 2020, Plaintiff commenced an action in the Superior Court of the
State of Washington in and for the County of King, entitled *State Farm and Casualty Company,*
as subrogee for Derek and Kirsten Kalles v. Home Depot Product Authority, LLC, a Georgia

STIPULATED MOTION TO REMAND
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corporation, and *The Home Depot, Inc.*, a Georgia corporation, as Cause Number 20-2-14918-7 SEA (the “Action”).

2. On February 8, 2021, Plaintiff informed Home Depot for the first time that Plaintiff’s alleged damages exceeded \$75,000.

3. On March 9, 2021, Home Depot filed a notice of removal of the Action pursuant to U.S.C. §1441(b) with the United States District Court for the Western District of Washington.

4. After some discussion, the Parties have agreed that the Action should be remanded to the King County Superior Court. To that end, the Parties hereby stipulate that the Action be remanded to King County Superior Court with the following agreed upon conditions:

a. By August 2, 2021, or fourteen (14) days after a joint evidence examination between the Parties’ experts, whichever is later,¹ Home Depot will assert in supplemental discovery responses any evidence then known to Home Depot in support of the allegation that Steven Ray Construction is a third-party that Home Depot asserts is liable in this lawsuit; and

b. If Home Depot alleges that Steven Ray Construction is a third-party to whom liability is to be apportioned, Home Depot will stipulate to Plaintiff amending its Complaint to allege a claim against Steven Ray Construction. Plaintiff will amend its Complaint within fourteen (14) days of receipt of Home Depot’s supplemental discovery responses, if any.

¹ The Parties will attempt to schedule the examination to take place by the close of business on August 2, 2021. In the event the Parties’ experts are unable to coordinate a mutually agreed upon time for the examination by August 2, the experts will schedule the examination for the soonest available date thereafter. In the event that the examination is not scheduled to be held by August 2, 2021, the parties will meet and confer, between themselves and their experts to schedule a date for the examination.

1 5. The Parties further stipulate that each party shall bear its own attorneys' fees and
2 costs with respect to the removal and subsequent remand of the Action pursuant to this stipulation
3 and order.
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6 DATED this 13th day of July, 2021.
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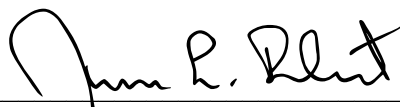
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3 **ORDER**

4 On July 13, 2021, the Parties in the above-referenced action filed a Stipulated Motion to
5 Remand this Action. The Court having reviewed that stipulation and good cause appearing,
6 orders as follows:

- 7 1. The parties' stipulated motion is approved;
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9 2. The pending motion to remand (Dkt. # 23) is DENIED as moot; and
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11 3. Western District of Washington Cause No. 2:21-CV-00323-JLR styled *State Farm and*
12 *Casualty Company, as subrogee for Derek and Kirsten Kalles v. Home Depot Product*
13 *Authority, LLC, a Georgia corporation, and The Home Depot, Inc., a Georgia*
14 *corporation* is hereby remanded to King County Superior Court.

15 **IT IS SO ORDERED.**

16 Dated: July 14, 2021

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18 JUDGE JAMES L. ROBART
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