

1 J. Michael Brown  
2 LAW OFFICE OF J. MICHAEL BROWN  
3 4115 Blackhawk Plaza Circle, Suite 100  
4 Danville, CA 94506  
5 Tel: (415) 484-2200  
6 Email: jmb@mbrown-law.com

7 UNITED STATES DISTRICT COURT  
8 EASTERN DISTRICT OF CALIFORNIA

<p>9 ERICA NUNEZ,</p> <p>10 Plaintiff,</p> <p>11 v.</p> <p>12 COUNTY OF SAN JOAQUIN, et.al.</p> <p>13 Defendants.</p>	<p>Case No.: 2:21-CV-00002-TLN - DB</p> <p>STIPULATION AND ORDER FOR DISMISSAL OF PLAINTIFF’S FIRST CAUSE OF ACTION AGAINST THE COUNTY OF SAN JOAQUIN AND FOR REMAND OF ACTION TO SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN</p>
---	---

14  
15  
16 TO THE ABOVE ENTITLED COURT AND TO ALL PARTIES TO THE ABOVE  
17 ENTITLED MATTER, PLEASE TAKE NOTICE:

18 WHEREAS, Plaintiff Erika Nunez (“Plaintiff” or “Nunez”) initially filed this action  
19 in the Superior Court of California, County of San Joaquin as Case No. STK-CV-UCR-  
20 2020-004854 on June 12, 2020;

21 WHEREAS, on December 30, 2020, Defendant County of San Joaquin timely filed  
22 a notice of removal pursuant to 28 U.S.C. § 1331 with the United States District Court,  
23 Eastern District of California (Dkt. No. 1) and also timely notified the Superior Court of  
24 California, County of San Joaquin of the removal;

25 WHEREAS, Plaintiff Erika Nunez and Defendant County of San Joaquin hereby  
26 stipulate and agree, pursuant to Federal Rule of Civil Procedure Rule 41, subdivision  
27 (a)(1)(A)(ii), to dismissal of the first cause of action of the above entitled matter, “Violation  
28 of Civil Rights, 42 USC §1983 and 42 USC §1985,” in its entirety as to all Defendants

1 against whom it is properly alleged, with prejudice;

2 WHEREAS, the Parties further stipulate and agree that dismissal of the first cause  
3 of action will eliminate the lone cause of action implicating the federal Court's original  
4 jurisdiction, pursuant to 28 U.S.C. § 1331;

5 WHEREAS, the Parties further stipulate and agree that it is appropriate for this Court  
6 to decline to continue to exercise supplemental jurisdiction pursuant to 28 U.S.C. § 1367  
7 over the remaining claims;

8 WHEREAS, the Parties stipulate and agree that after dismissal of the first cause of  
9 action, with prejudice, the above entitled matter may and shall be remanded to the Superior  
10 Court of the State of California, County of San Joaquin.

11 IT IS SO STIPULATED.

12 Dated: December 29, 2021.

13  
14 /s/ J. Michael Brown  
15 J. MICHAEL BROWN  
16 Attorney for Plaintiff

17 Dated: December 29, 2021.

18 MAYALL HURLEY  
19 A Professional Corporation

20 /s/ Jenny D. Baysinger  
21 By: JENNY D. BAYSINGER  
22 Attorneys for Defendant

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ORDER**

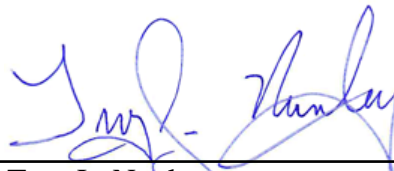
Based upon the Stipulation of the Parties, and good cause appearing therefore, the Court orders as follows:

1. The first cause of action, “Violation of Civil Rights, 42 USC §1983 and 42 USC §1985” is hereby dismissed as to all parties with prejudice.

2. The Court declines to continue its exercise of supplemental jurisdiction, pursuant to 28 U.S.C. § 1367, over the remaining claims and hereby remands the matter to the Superior Court of California, County of San Joaquin.

IT IS SO ORDERED:

Dated: January 3, 2022



---

Troy L. Nunley  
United States District Judge