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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 EVERETT HOGGE and PRISCILLA
12 HOGGE,

13 Plaintiffs,

14 vs.

15 A.W. CHESTERTON COMPANY, *et al*,

16 Defendants.

) Case No.: C07 2873 EDL

)
) **PLAINTIFFS' NOTICE OF MOTION**
) **AND MOTION FOR REMAND;**
) **MEMORANDUM OF POINTS AND**
) **AUTHORITIES; DECLARATIONS OF**
) **DEAN A. HANLEY AND STEPHEN J.**
) **HEALY; PROPOSED ORDER**

)
) [28 U.S.C. §§ 1441-1447; F.R.C.P. 7(b); ND CA Local
) Rule 7-1]

)
) Hearing Date: July 10, 2007
) Time: 9:00 a.m.
) Courtroom: E, 15th Floor
) Magistrate Judge: Hon. Elizabeth D. Laporte

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20 To the HONORABLE COURT AND TO ALL DEFENDANTS AND THEIR
21 ATTORNEYS OF RECORD HEREIN:

22 PLEASE TAKE NOTICE THAT, on July 10, 2007, at 9:00 a.m., in Courtroom E on the
23 15th Floor of the United States District Court for the Northern District of California, located at
24 450 Golden Gate Avenue, San Francisco, California, before the Honorable Elizabeth D. Laporte,
25 Magistrate Judge, plaintiffs will and hereby do move this Court to remand this case to the
26 Superior Court of the State of California, County of San Francisco. This motion is made on the
27 grounds that defendant JOHN CRANE, INC.'s Notice of Removal on June 1, 2007—one day

28 **PLAINTIFFS' NOTICE OF MOTION AND MOTION FOR REMAND**

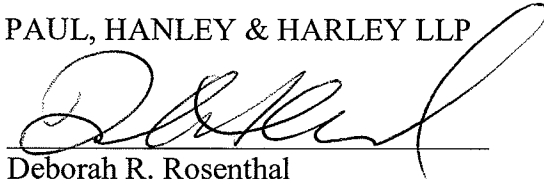
1 before the one-year statutory deadline and after three weeks of trial in the San Francisco Superior
2 Court—fails to establish subject matter jurisdiction and is procedurally improper because: (1)
3 California defendants remain in the case; (2) not all defendants consented to removal; and (3) it
4 is untimely, in that it was not filed within thirty days after receipt by the defendant of any paper
5 from which it may be ascertained that the case has become removable.

6 The motion is based on this Notice of Motion and Motion, the accompanying
7 memorandum of points and authorities, the Declarations of Dean A. Hanley and Stephen J.
8 Healy and attached exhibits, and on all papers and records on file herein.

9 Based on the foregoing, and because plaintiff EVERETT HOGGE suffers from a fatal
10 cancer and is health is rapidly declining, plaintiffs ask this Court to remand plaintiffs' case to the
11 Superior Court of the State of California, County of San Francisco.

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13 DATED: June 4, 2007

PAUL, HANLEY & HARLEY LLP

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15 Deborah R. Rosenthal
16 Attorneys for Plaintiffs