

1 Alejandro S. Angulo (State Bar No. 217823)
aangulo@rutan.com
2 Bradley A. Chapin (State Bar No. 232885)
bchapin@rutan.com
3 RUTAN & TUCKER, LLP
611 Anton Boulevard, Suite 1400
4 Costa Mesa, California 92626-1931
Telephone: 714-641-5100
5 Facsimile: 714-546-9035

6 Attorneys for Defendant
SPORTS WAREHOUSE

7 ANTHONY J. ORSHANSKY, Cal. Bar No. 199364
anthony@counselonegroup.com
8 JUSTIN KACHADOORIAN, Cal. Bar No. 260356
justin@counselonegroup.com
9 COUNSELONE, P.C.
10 9301 Wilshire Boulevard, Suite 650
Beverly Hills, California 90210
11 Telephone: (310) 277-9945
Facsimile: (424) 277-3727

12 *Attorneys for Plaintiff Matt McDuffee,*
13 *on behalf of himself and other similarly situated*

14 UNITED STATES DISTRICT COURT
15 SOUTHERN DISTRICT OF CALIFORNIA
16

17 MATT MCDUFFEE, on behalf of
18 himself and others similarly situated,,

19 Plaintiff,

20 vs.

21 SPORTS WAREHOUSE, a California
22 corporation, and DOES 1 to 10,
inclusive,

23 Defendant.
24

Case No. 3:17-cv-00512-JM-MDD

**JOINT STIPULATION TO REMAND
THIS ACTION TO STATE COURT**

25 Defendant Sports Warehouse (“Sports Warehouse”) and Plaintiff Matt
26 McDuffee (“McDuffee”), collectively referred to as the “Parties,” through their
27 respective counsel of record, hereby stipulate and agree as set forth below.
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RECITALS

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1. McDuffee filed the complaint (“Complaint”) in *SDSC* Case No. 37-2017-00001781-CU-BT-NC (“State Action”) in San Diego Superior Court on January 17, 2017. The class alleged in the Complaint reads as follows:

All persons who (1) purchased merchandise from Defendant that was advertised in relation to a purported former price introduced with the word “Was” proximate to the “Sale” price of the item, and (2) who was a California resident at the time of the purchase, and (3) made his or her purchase from four years prior to the filing of this lawsuit to the present.

2. On March 15, 2017, Sports Warehouse removed the State Action on the grounds of diversity jurisdiction under the Class Action Fairness Act (“CAFA”) to the United States District Court for the Southern District of California.

3. The State Action, once removed to federal court, was designated as Case No. 3:17-CV-00512-JM-MDD (“Federal Action”).

4. On March 22, 2017, Sports Warehouse filed a Motion to Dismiss all claims alleged in the Complaint.

5. On April 14, 2017, McDuffee filed a Motion to Remand (the “Motion To Remand”) the action to state court.

6. On April 24, 2017, McDuffee filed his First Amended Complaint (the “FAC”), through which revisions were made to, among other things, the alleged class. Unlike the class alleged in the Complaint, the class now alleged in the FAC is limited to California residents and reads as follows:

All citizens of the State of California who (1) purchased merchandise from Defendant that was advertised in relation to a purported former price introduced with the word “Was” proximate to the “Sale” price of the item, and (2) who was a Citizen of the State of California at the time of the purchase, and (3) made his or her purchase from four years prior to the filing of this lawsuit to the present.

