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8 **UNITED STATES DISTRICT COURT**
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN JOSE DIVISION**

11 NATIONAL ASSN. FOR GUN RIGHTS,
et al.,

12 Plaintiffs

13 v.

14 CITY OF SAN JOSE, *et al.*,

15 Defendants

No. 22-cv-00501-BLF

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17 HOWARD JARVIS TAXPAYERS ASSN.,
et al.,

18 Plaintiffs

19 v.

20 CITY OF SAN JOSE,

21 Defendant

No. 22-cv-02365-BLF

**[PROPOSED] ORDER GRANTING
MOTION AND REMANDING CASE TO
STATE COURT**

Date: April 6, 2023
Time: 9:00 a.m.
Judge: Hon. Beth Labson Freeman
Dept: San Jose Courtroom 3

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24 Before the Court is a motion by plaintiffs Howard Jarvis Taxpayers Association,
25 et al., in consolidated Case No. 22-cv-02365-BLF, to remand the case back to state
26 court under 28 U.S.C. § 1447(c) for lack of jurisdiction and under 28 U.S.C. § 1341, on
27 grounds that the action seeks to restrain the levy or collection of a tax under State law

1 where an effective state court remedy exists. The Court, having considered plaintiffs'
2 moving papers, the opposition filed by defendant City of San Jose, and the arguments
3 of counsel, good cause appearing therefor, hereby orders as follows:

4 1. The Court grants plaintiffs' motion to remand;

5 2. This action is remanded to the California Superior Court for the County of
6 Santa Clara, Case No. 22CV395596.

7 IT IS SO ORDERED.

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9 DATED: _____, 2023

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11 _____
12 Honorable Beth Labson Freeman
13 Judge, United States District Court,
14 Northern District of California
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