

By Fax COPY

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

Troy C. Bailey, State Bar No. 277424
THE CHANLER GROUP
2560 Ninth Street, Parker Plaza, Suite 214
Berkeley, CA 94710

TELEPHONE NO.: (510) 848-8880 FAX NO. (Optional): (510) 848-8118

E-MAIL ADDRESS (Optional): Troy@chanler.com
ATTORNEY FOR (Name): Plaintiff, Russell Brimer

FOR COURT USE ONLY

ENDORSED FILED
SAN MATEO COUNTY

JUL 31 2012

Clerk of the Superior Court
by ~~LINA FINAU~~
DEPUTY CLERK

SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Mateo
STREET ADDRESS: 400 County Center
MAILING ADDRESS:
CITY AND ZIP CODE: Redwood City, CA 94063
BRANCH NAME: Southern Branch

PLAINTIFF/PETITIONER: Russell Brimer

DEFENDANT/RESPONDENT: Tools-R-Us, Inc., et al.

REQUEST FOR DISMISSAL

- Personal Injury, Property Damage, or Wrongful Death
 - Motor Vehicle Other
- Family Law Eminent Domain
- Other (specify): Health and Safety Code § 25249.6 et seq. (Prop 65)

CASE NUMBER:

CIV-512075

- A conformed copy will not be returned by the clerk unless a method of return is provided with the document. -

1. TO THE CLERK: Please dismiss this action as follows:

- a. (1) With prejudice (2) Without prejudice
- b. (1) Complaint (2) Petition
- (3) Cross-complaint filed by (name):
- (4) Cross-complaint filed by (name):
- (5) Entire action of all parties and all causes of action
- (6) Other (specify):*

on (date):
on (date):

2. (Complete in all cases except family law cases.)

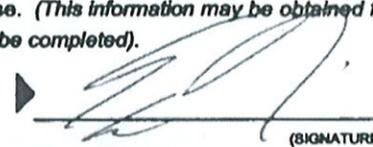
Court fees and costs were waived for a party in this case. (This information may be obtained from the clerk. If this box is checked, the declaration on the back of this form must be completed).

Date: July 30, 2012

Troy C. Bailey

(TYPE OR PRINT NAME OF ATTORNEY PARTY WITHOUT ATTORNEY)

*If dismissal requested is of specified parties only of specified causes of action only, or of specified cross-complaints only, so state and identify the parties, causes of action, or cross-complaints to be dismissed.


(SIGNATURE)

Attorney or party without attorney for:

- Plaintiff/Petitioner Defendant/Respondent
- Cross-Complainant

3. TO THE CLERK: Consent to the above dismissal is hereby given.**

Date:

(TYPE OR PRINT NAME OF ATTORNEY PARTY WITHOUT ATTORNEY)

** If a cross-complaint - or Response (Family Law) seeking affirmative relief - is on file, the attorney for cross-complainant (respondent) must sign this consent if required by Code of Civil Procedure section 581 (l) or (j).


(SIGNATURE)

Attorney or party without attorney for:

- Plaintiff/Petitioner Defendant/Respondent
- Cross-Complainant

(To be completed by clerk)

JUL 31 2012

- 4. Dismissal entered as requested on (date):
- 5. Dismissal entered on (date): as to only (name):
- 6. Dismissal not entered as requested for the following reasons (specify):

- 7. a. Attorney or party without attorney notified on (date):
- b. Attorney or party without attorney not notified. Filing party failed to provide
 - a copy to be conformed means to return conformed copy

Date: JUL 31 2012 JOHN C. FITTON

Clerk, by

LINA FINAU

Deputy
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PLAINTIFF/PETITIONER: Russell Brimer DEFENDANT/RESPONDENT: Tools-R-U's, Inc., et al.	CASE NUMBER: CIV-512075
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Declaration Concerning Waived Court Fees

The court has a statutory lien for waived fees and costs on any recovery of \$10,000 or more in value by settlement, compromise, arbitration award, mediation settlement, or other recovery. The court's lien must be paid before the court will dismiss the case.

1. The court waived fees and costs in this action for *(name)*:
2. The person in item 1 *(check one)*:
 - a. is not recovering anything of value by this action.
 - b. is recovering less than \$10,000 in value by this action.
 - c. is recovering \$10,000 or more in value by this action. *(If item 2c is checked, item 3 must be completed.)*
3. All court fees and costs that were waived in this action have been paid to the court *(check one)*: Yes No

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

 (TYPE OR PRINT NAME OF ATTORNEY PARTY MAKING DECLARATION)

▶ _____
 (SIGNATURE)

1 **PROOF OF SERVICE**

2 I am employed in the County of Alameda, State of California. I am a citizen of the
3 United States, over the age of eighteen (18) years, and not a party to the within action. My
4 business address is 2560 Ninth Street, Parker Plaza, Suite 214, Berkeley, CA 94710.

5 On July 30, 2012, I served the following document(s), described as:

6 **REQUEST FOR DISMISSAL**

7 on each interested party as follows:

8 Thomas H. Clarke, Jr., Esq.
9 Terry Anastassiou, Esq.
10 Ropers Majeski Kohn Bentley PC
11 201 Spear Street Suite 1000
12 San Francisco, CA 94105
13 *Attorneys for Tools-R-Us, Inc.*

14 XXXXX (BY MAIL) I placed a true and correct copy of the foregoing document(s) in a
15 sealed envelope addressed to each interested party as set forth above. I placed each such
16 envelope, with postage thereon fully prepaid, for collection and mailing at The Chanler Group,
17 located in Berkeley, California. I am readily familiar with The Chanler Group's practice for
18 collection and processing of documents for mailing with the United States Postal Service.
19 Under that practice, the documents are deposited with the United States Postal Service on the
20 same day in the ordinary course of business.

21 Executed this 30th day of July, 2012, at Berkeley, California, I declare under the penalty
22 of perjury under the laws of the State of California that the foregoing is true and correct.

23 

24 Allison Carr