

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Evan J. Smith, Esq., SBN 242352 Brodsky & Smith, LLC, 9595 Wilshire Blvd., Ste. 900, Beverly Hills, CA 90212 TELEPHONE NO.: 877-594-2590 FAX NO. (Optional): 310-247-0160 E-MAIL ADDRESS (Optional): esmith@brodsky-smith.com ATTORNEY FOR (Name): Gabriel Espinosa	FOR COURT USE ONLY CASE NUMBER: RG15783041
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Alameda STREET ADDRESS: Administration Bldg., 1221 Oak Street, Oakland CA 94612 MAILING ADDRESS: CITY AND ZIP CODE: Oakland CA 94612 BRANCH NAME:	
PLAINTIFF/PETITIONER: Gabriel Espinosa DEFENDANT/RESPONDENT: Watts Water Tech., Inc., et al.	
REQUEST FOR DISMISSAL	
A conformed copy will not be returned by the clerk unless a method of return is provided with the document.	
This form may not be used for dismissal of a derivative action or a class action or of any party or cause of action in a class action. (Cal. Rules of Court, rules 3.760 and 3.770.)	

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.)
 The court did did not waive court fees and costs for a party in this case. (This information may be obtained from the clerk. If court fees and costs were waived, the declaration on the back of this form must be completed).

Date: August 4, 2016

Evan J. Smith
 (TYPE OR PRINT NAME OF ATTORNEY PARTY WITHOUT ATTORNEY)

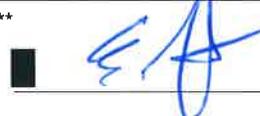

 (SIGNATURE)

*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.

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: August 4, 2016
 Evan J. Smith, Esq.
 (TYPE OR PRINT NAME OF ATTORNEY PARTY WITHOUT ATTORNEY)


 (SIGNATURE)

** 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 (i) or (j).

Attorney or party without attorney for:
 Plaintiff/Petitioner Defendant/Respondent
 Cross-Complainant

(To be completed by clerk)

- 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: _____ Clerk, by _____ Deputy

PLAINTIFF/PETITIONER: Gabriel Espinosa
 DEFENDANT/RESPONDENT: Watts Water Tech., Inc., et al.

CASE NUMBER:
 RG15783041

COURT'S RECOVERY OF WAIVED COURT FEES AND COSTS

If a party whose court fees and costs were initially waived has recovered or will recover \$10,000 or more in value by way of settlement, compromise, arbitration award, mediation settlement, or other means, the court has a statutory lien on that recovery. The court may refuse to dismiss the case until the lien is satisfied. (Gov. Code, § 68637.)

Declaration Concerning Waived Court Fees

1. The court waived court fees and costs in this action for *(name)*:
2. The person named in item 1 is *(check one below)*:
 - a. not recovering anything of value by this action.
 - b. recovering less than \$10,000 in value by this action.
 - c. 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 court 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 Evan J. Smith, Esquire (SBN 242352)
Ryan P. Cardona, Esquire (SNB 302113)
2 BRODSKY & SMITH, LLC
9595 Wilshire Blvd., Ste. 900
3 Beverly Hills, CA 90212
Telephone: (877) 534-2590
4 Facsimile: (310) 247-0160

5 *Attorneys for Plaintiff*

6
7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 COUNTY OF ALAMEDA

9
10 MARTHA VELARDE,
11 Plaintiff,

12 vs.

13 WATTS WATER TECHNOLOGIES, INC.,
ORCHARD SUPPLY HARDWARE STORES
14 CORPORATION, and ORCHARD SUPPLY
COMPANY, LLC,

15 Defendants.

Case No.: RG15783041

**DECLARATION OF EVAN J. SMITH
IN SUPPORT OF REQUEST FOR
DISMISSAL AS TO DEFENDANT
LOWE'S COMPANIES, INC.**

Dept.: 22
Complaint Filed: August 24, 2015

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17 I, Evan J. Smith, declare as follows:

18 1. I am an attorney at law, licensed to practice before the courts in California, and I am the
19 founding member of Brodsky & Smith, LLC, counsel for Plaintiff in the above captioned action. I have
20 personal knowledge of the facts stated herein. The matters set forth are true and correct to the best of
21 my knowledge and belief, and are offered in support of Plaintiff's request to dismiss the above-entitled
22 action without prejudice.

23 2. Brodsky & Smith, LLC and the Plaintiff have not been offered, have not received, nor
24 will receive any consideration by any party, person or entity in order to seek or have the instant

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1 dismissal as to the entire action of all parties and all causes of action, without prejudice entered.

2 I declare under penalty of perjury pursuant to the laws of the State of California that the
3 foregoing is true and correct.

4 Executed this 4th day of August 2016, Bala Cynwyd, PA.

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6 _____
7 Evan J. Smith

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PROOF OF SERVICE

My business address is 9595 Wilshire Boulevard, Suite 900, Beverly Hills, CA and Two Bala Plaza, Suite 510, Bala Cynwyd, PA 19004. I am over the age of 18 and not a party to the within action.

On August 4, 2016, I caused the following documents to be served described as:

PLAINTIFF'S REQUEST FOR DISMISSAL WITHOUT PREJUDICE AND DECLARATION OF EVAN J. SMITH

by delivering true copies addressed as follows:

SEE ATTACHED SERVICE LIST

BY ELECTRONIC SERVICE. I emailed the above document(s) from e-mail address esmith@brodsky-smith.com to the respective e-mail addresses listed in the attached service list, from Bala Cynwyd, PA.

BY U.S. MAIL. I caused such envelope(s) to be mailed with postage thereon fully prepaid. I am familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid in the ordinary course of business.

BY OVERNIGHT MAIL. I caused such envelope(s) to be deposited with the Federal Express repository. I am familiar with the firm's practice of collection and processing via Federal Express. Under that practice the package would be deposited in the Federal Express drop box on that same day with postage thereon fully prepaid in the ordinary course of business.

Executed on August 4, 2016, at Bala Cynwyd, PA.



Evan J. Smith

SERVICE LIST

Via First Class U.S. Mail and E-mail

Roger A. Cerda, Esq.
ALSTON & BIRD LLP
333 South Hope Street
16th Floor
Los Angeles, CA, 90071

Attorneys for Defendants