

08/19/2016 FRI 11:45 FAX

002/006

CIV-110

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): HECTOR VELARDE		FILED BY FAX ALAMEDA COUNTY August 19, 2016 CLERK OF THE SUPERIOR COURT By Lynn Wiley, Deputy CASE NUMBER: RG16802957
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: HECTOR VELARDE DEFENDANT/RESPONDENT: HOMER TLC, INC. T/A CE TECH., et al.		CASE NUMBER: RG16802957
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): _____ on (date): _____
- (4) Cross-complaint filed by (name): _____ on (date): _____
- (5) Entire action of all parties and all causes of action
- (6) Other (specify):* only as to defendant HOMER TLC, INC. T/A CE TECH

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 19, 2016

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

(SIGNATURE)

*If dismissal requested to of specified parties only or 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 19, 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

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FILED BY FAX
ALAMEDA COUNTY
 August 19, 2016
 CLERK OF
 THE SUPERIOR COURT
 By Lynn Wiley, Deputy
 CASE NUMBER:
RG16802957

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 HECTOR VELARDE,
 11 Plaintiff,
 12 vs.
 13 HOMER TLC, INC. T/A CE TECH and HOME
 DEPOT U.S.A., INC.,
 14 Defendants.

Case No.: RG16802957

**DECLARATION OF EVAN J. SMITH
 IN SUPPORT OF REQUEST FOR
 DISMISSAL AS TO DEFENDANT
 HOMER TLC, INC. T/A CE TECH**

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

16
 17 1. I am an attorney at law, licensed to practice before the courts in California, and I am the
 18 founding member of Brodsky & Smith, LLC, counsel for Plaintiff in the above captioned action. I have
 19 personal knowledge of the facts stated herein. The matters set forth are true and correct to the best of
 20 my knowledge and belief, and are offered in support of Plaintiff's request to dismiss only defendant
 21 HOMER TLC, INC. T/A CE TECH from the above-entitled action without prejudice.

22 2. Brodsky & Smith, LLC and the Plaintiff have not been offered, have not received, nor
 23 will receive any consideration by any party, person or entity in order to seek or have the instant
 24 dismissal as to defendant HOMER TLC, INC. T/A CE TECH without prejudice entered.
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I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct.

Executed this 19th day of August 2016, Bala Cynwyd, PA.



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 19, 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:


Lauren Shoor | Associate
Norton Rose Fulbright US LLP
555 South Flower Street, Forty-First Floor, Los Angeles, California 90071, United States
Tel +1 213 892 9225 | Fax +1 213 892 9494
lauren.shoor@nortonrosefulbright.com

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 19, 2016, at Bala Cynwyd, PA.



Evan J. Smith