

01/05/2017 THU 13:33 FAX



CIV-110

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| 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.: 877-584-2590 FAX NO. (Optional): 310-247-0160 E-MAIL ADDRESS (Optional): esmith@brodsky-smith.com ATTORNEY FOR (Name): PRECILA BALABBO | | FILED BY FAX ALAMEDA COUNTY January 05, 2017 CLERK OF THE SUPERIOR COURT By Burt Moskaira, Deputy CASE NUMBER: RG16840290 |
| 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: PRECILA BALABBO DEFENDANT/RESPONDENT: MAJOR SURPLUS AND SURVIVAL, INC., et al. | | CASE NUMBER: RG16840290 |
| 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 CALIFORNIA SURPLUS MART, INC.

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: January 5, 2017

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

[Signature]
(SIGNATURE)

*If dismissal requested is of specified parties only or 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: January 5, 2017

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

[Signature]
(SIGNATURE)

** If a cross-complaint - or Response (Family Law) seeking affirmative relief - is on file, the attorney for cross-complaint (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): **JAN 10 2017** as to only (name): **California Surplus Mart, Inc.**

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: **JAN 10 2017**

Clerk, by *[Signature]* Deputy