

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>Mark R. Mittelman (SBN 96598)</b> <b>Law Offices of Mark R. Mittelman</b> <b>575 Lennon Lane, Suite 150, Walnut Creek, CA 94598</b> TELEPHONE NO.: (925) 256-0677 FAX NO. (Optional): (925) 256-0679 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): 1979 Union Street Corporation, Defendant/Cross-complainant	FOR COURT USE ONLY  <b>ELECTRONICALLY FILED</b> Superior Court of California, County of San Francisco <b>08/29/2017</b> Clerk of the Court BY: DAVID YUEN Deputy Clerk
SUPERIOR COURT OF CALIFORNIA, COUNTY OF <b>SAN FRANCISCO</b> STREET ADDRESS: 400 McAllister Street MAILING ADDRESS: CITY AND ZIP CODE: San Francisco 94102 BRANCH NAME:	
PLAINTIFF/PETITIONER: Aaron Abel DEFENDANT/RESPONDENT: 1979 Union Street Corporation, et al.	
<b>REQUEST FOR DISMISSAL</b>	CASE NUMBER: <b>CGC-15-543471</b>
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): Giovanni Navarrete  
 (4) ☐ Cross-complaint filed by (name):  
 (5) ☐ Entire action of all parties and all causes of action  
 (6) ☐ Other (specify):\*

on (date): November 5, 2015

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: 8/29/17

Thomas W.J. Purtell

(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:

(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):

**DISMISSAL ENTERED**

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: Aaron Abel  
 DEFENDANT/RESPONDENT: 1979 Union Street Corporation, et al.

CASE NUMBER:  
 CGC-15-543471

### 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)

Abel v. 1979 Union Street Corporation, et al.  
San Francisco County Action No. CGC-14-543471

## PROOF OF SERVICE

I do hereby declare that I am a citizen of the United States employed in the County of Contra Costa, over 18 years old and that my business address is 575 Lennon Lane, Suite 150, Walnut Creek, California 94598. I am not a party to the foregoing action.

On August 29, 2017, I served the following document(s):

### REQUEST FOR DISMISSAL


☒ (BY U.S. MAIL) by placing a true copy of the aforementioned document(s) in a sealed envelope and deposited same in the United States mail at Walnut Creek, California, addressed as set forth below. I am readily familiar with this firm's practice of collecting and processing documents 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. [Code of Civil Procedure §1013(a)(3)]

☐ (BY FACSIMILE) by causing such document(s) to be successfully transmitted via facsimile to the addressee(s) listed below. [Code of Civil Procedure §1013(e)(f)]

☐ (BY OVERNIGHT DELIVERY) by depositing a true copy thereof in a sealed envelope and depositing in a repository regularly maintained by an express service carrier with fees fully prepaid. [Code of Civil Procedure §1013(c)(d)]

☐ (BY ELECTRONIC SERVICE) by causing such document(s) to be electronically served through File & ServeXpress for the above-entitled case to the parties on the Service List maintained on the File & ServeXpress website for this case. The transmission was reported as complete on the date and time indicated on the File & ServeXpress Transaction Receipt.

I declare under penalty of perjury that the foregoing is true and correct. Executed on the date first set forth above, at Walnut Creek, California.

  
Megan Slane

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Joseph S. May  
Law Offices of Joseph S. May  
1388 Sutter Street, Suite 810  
San Francisco, CA 94109

Thomas J. Purtell  
The Law Offices of Thomas J. Purtell  
534 Pacific Avenue, Suite 200  
San Francisco, CA 94133

Attorneys for Plaintiff Aaron Abel  
Tel: (415) 781-3333  
Fax: (415) 707-6600  
Email: joseph@josephmaylaw.com

Attorneys for Cross-Defendant/Cross-complainant  
GIOVANNI NAVARRETTE  
Tel: (415) 722-6291  
Fax: (415) 834-5591  
Email: [tpurtell@thomaswjpurcell-law.com](mailto:tpurtell@thomaswjpurcell-law.com)