

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  
 Brian C. Johnson, State Bar No. 235965  
 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):  
 ATTORNEY FOR (Name): Plaintiff Russell Brimer

FOR COURT USE ONLY  
**ENDORSED**  
 2012 OCT 17 3:39  
 DEPUTY CLERK  
 Superior Court  
 County of Santa Clara, California  
 Deputy Clerk

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara**  
 STREET ADDRESS: 191 North First Street  
 MAILING ADDRESS:  
 CITY AND ZIP CODE: San Jose 95113  
 BRANCH NAME: Unlimited Civil

PLAINTIFF/PETITIONER: Russell Brimer  
 DEFENDANT/RESPONDENT: Walgreen Co., 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:  
 112CV226582

- 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):

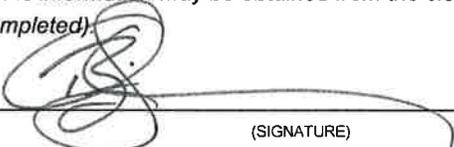
2. (Complete in all cases except family law cases.)

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: October 16, 2012

Brian C. Johnson

(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)

OCT 17 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): OCT 17 2012
- b.  Attorney or party without attorney not notified. Filing party failed to provide  a copy to be conformed  means to return conformed copy

Date: OCT 17 2012

Clerk, by

D. Went Deputy

PLAINTIFF/PETITIONER: Russell Brimer DEFENDANT/RESPONDENT: Walgreen Co., et al.	CASE NUMBER: 112CV226582
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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)

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**PROOF OF SERVICE** **ENDORSED**

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

On October 16, 2012, I served the following document(s), described as: \_\_\_\_\_

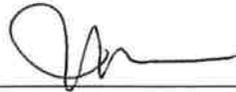
**REQUEST FOR DISMISSAL**

on each interested party as follows:

Renee D. Wasserman, Esq.  
Rogers Joseph O'Donnell  
Robert Dollar Building  
311 California Street, 10<sup>th</sup> Floor  
San Francisco, CA 94104  
*Attorneys for Walgreen Co. and East West  
Distributing Co.*

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

Executed this 16th day of October, 2012, at Berkeley, California, I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.



\_\_\_\_\_  
Allison Carr