

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) Rene Potter SBN 301971 POTTER HANDY, LLP, 8033 Linda Vista Road, Suite 200, San Diego, CA 92111 TELEPHONE NO.: (858) 375-7385 FAX NO. (Optional): (888) 422-5191 E-MAIL ADDRESS (Optional): ReneP@potterhandy.com ATTORNEY FOR (Name): Plaintiff, LAMAR HORN	FOR COURT USE ONLY E-FILED 12/10/2021 11:19 AM Superior Court of California County of Fresno By: E. Meyer, Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO STREET ADDRESS: 1130 O Street MAILING ADDRESS: 1130 O Street CITY AND ZIP CODE: FRESNO, CA 93721 BRANCH NAME: B. F. Sisk Courthouse	
PLAINTIFF/PETITIONER: LAMAR HORN DEFENDANT/RESPONDENT: MAXCO SUPPLY, INC., et al.	
REQUEST FOR DISMISSAL	CASE NUMBER: 21CECG00451
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):* As to the Seventeenth Cause of Action pursuant to PAGA, Cal. Labor Code § 2698, et seq.

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: December 10, 2021

Rene Potter
 (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): 12/10/2021

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): 12/10/2021

b. ☐ Attorney or party without attorney not notified. Filing party failed to provide

☐ a copy to be conformed ☐ means to return conformed copy

Date: 12/10/2021

Clerk, by E. Meyer _____, Deputy

PLAINTIFF/PETITIONER: LAMAR HORN
 DEFENDANT/RESPONDENT: MAXCO SUPPLY, INC., et al.

CASE NUMBER:
 21CECG00451

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)

PROOF OF SERVICE

Horn v. Maxco Supply, Inc.

Case No. 21CECG00451

I, the undersigned, am over the age of eighteen years and am resident of San Diego County, California; I am not a party to the above-entitled action; my business address is 8033 Linda Vista Road, Suite 200, San Diego, CA 92111.

On December 10, 2021 I served the following document(s):

PLAINTIFF'S REQUEST FOR DISMISSAL

Addressed to:

Christina Tillman Christina.Tillman@mccormickbarstow.com	Jospeh Lordan Joseph.Lordan@lewisbrisbois.com
Tristan Matthews Tristan.Matthews@mccormickbarstow.com	Daniel Qualls Daniel.Qualls@lewisbrisbois.com
Kyle Cantu Kyle.Cantu@mccormickbarstow.com	William Anderson William.Anderson@lewisbrisbois.com
Attorneys for Defendant Maxco Supply, Inc.	Attorneys for Defendant Employenet, Inc.

- ☐ **BY USPS MAIL:** I caused such envelope with postage thereon fully prepaid to be placed in the United States mail at San Diego, California.
- ☐ **BY OVERNITE EXPRESS:** I caused such envelope with postage thereon fully prepaid to be placed in the Designated Overnight Express drop box at San Diego, California.
- ☐ **BY PERSONAL SERVICE:** I caused said documents to be personally served on all listed recipients via Ace Attorney Services.
- ☒ **BY ELECTRONIC MAIL TRANSMISSION:** I caused the listed documents to be electronically filed and subsequently emailed to the recipient(s).

Executed on December 10, 2021 from San Diego, California.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Stacie Crosser

Stacie Crosser