

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
Jonathan R. Bass (SBN 75779); Katharine Van Dusen (SBN 276021)
COBLENTZ PATCH DUFFY & BASS LLP
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San Francisco, CA 94104
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E-MAIL ADDRESS (Optional): ef-jrb@cpdb.com; ef-ktv@cpdb.com
ATTORNEY FOR (Name): Plaintiff/Petitioner Vallco Property Owner LLC

FOR COURT USE ONLY
R. Aragon
**Electronically Filed
by Superior Court of CA,
County of Santa Clara,
on 12/10/2020 9:55 AM
Reviewed By: R. Aragon
Case #19CV355457
Envelope: 5446756**
CASE NUMBER: 19CV355457

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara
STREET ADDRESS: 191 N. First Street
MAILING ADDRESS:
CITY AND ZIP CODE: San Jose, CA 95113
BRANCH NAME:

PLAINTIFF/PETITIONER: Vallco Property Owner LLC
DEFENDANT/RESPONDENT: City of Cupertino

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.)

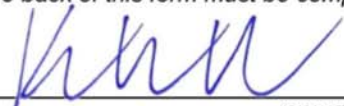
1. TO THE CLERK: Please **dismiss** this action as follows:
- a. (1) With prejudice (2) Without prejudice
 - b. (1) Complaint (2) Petition
 - (3) Cross-complaint filed by (name):
 - (4) Cross-complaint filed by (name):
 - (5) Entire action of all parties and all causes of action
 - (6) Other (specify):*

on (date):
on (date):

2. (Complete in all cases except family law cases.)
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: Dec. 10, 2020

Katharine Van Dusen
(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

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): 12/10/2020 9:55 AM
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): 12/10/2020 9:55 AM
b. Attorney or party without attorney not notified. Filing party failed to provide
 a copy to be conformed means to return conformed copy

Date: 12/10/2020 9:55 AM Clerk, by /s/ R. Aragon, Deputy

PLAINTIFF/PETITIONER: Vallco Property Owner LLC
 DEFENDANT/RESPONDENT: City of Cupertino

CASE NUMBER:
 19CV355457

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)

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of San Francisco, State of California. My business address is One Montgomery Street, Suite 3000, San Francisco, CA 94104-5500.

On December 10, 2020, I served true copies of the following document(s) described as

REQUEST FOR DISMISSAL

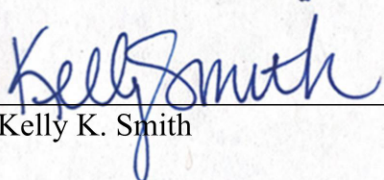
on the interested parties in this action as follows:

Heather M. Minner
Robert S. Perlmutter
SHUTE, MIHALY & WEINBERGER LLP
396 Hayes Street
San Francisco, CA 94102
Telephone: (415) 552-7272
Email: Minner@smwlaw.com
Perlmutter@smwlaw.com

BY ELECTRONIC SERVICE: I served the document(s) on the person listed in the Service List by submitting an electronic version of the document(s) to One Legal, LLC, through the user interface at www.onelegal.com.

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

Executed on December 10, 2020, at San Francisco, California.



Kelly K. Smith