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Legal Document

Superior Court of California, County of San Francisco
Case No. CGC 12 522983
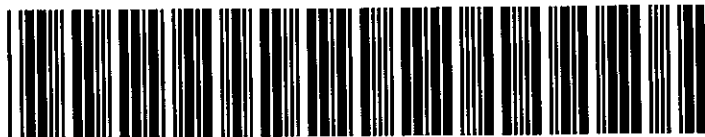**Brian Cartmell Et Al v. Bitcoinica Lp, Also Known As Bitcoinica Et Al**
Document 129

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SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN FRANCISCO

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Sep-09-2015 10:32 am

Case Number: CGC-12-522983

Filing Date: Aug-17-2015 1:22

Filed by: TJ MOROHOSHI

Juke Box: 001   Image: 05036223

Request for Dismissal

BRIAN CARTMELL et al VS. BITCOINICA LP, ALSO KNOWN AS BITCOINICA et al

001C05036223

Instructions:

Please place this sheet on top of the document to be scanned.

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*: HENRY Y. CHIU 222927 Tucker, Chiu, Hebesha & Ward PC 642 Pollasky Avenue, Suite 230 Clovis, California 93612 TELEPHONE NO.: 559-472-9922　FAX NO. *(Optional)*: 559-472-9892 E-MAIL ADDRESS *(Optional)*: hchiu@tuckerchiulaw.com ATTORNEY FOR *(Name)*: Plaintiffs	FOR COURT USE ONLY DISMISSAL ENTERED **ELECTRONICALLY** **FILED** *Superior Court of California,* *County of San Francisco* **08/17/2015** **Clerk of the Court** BY:TJ MOROHOSHI **Deputy Clerk**

SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco
STREET ADDRESS: 400 McAllister St., 4th Floor
MAILING ADDRESS:
CITY AND ZIP CODE: San Francisco, CA 94102
BRANCH NAME: Civil Division

PLAINTIFF/PETITIONER: BRIAN CARTMELL, etc.

DEFENDANT/RESPONDENT: BITCOINICA, etc., et al.

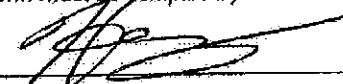| REQUEST FOR DISMISSAL	CASE NUMBER: CGC-12-522983

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)*:*

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: August 17, 2015.

Henry Y. Chiu
(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: Plaintiffs

☒ Plaintiff/Petitioner　☐ Defendant/Respondent
☐ Cross-Complainant

3. TO THE CLERK: Consent to the above dismissal is hereby given.**
Date:

▶ _____ (SIGNATURE)

(TYPE OR PRINT NAME OF ☐ ATTORNEY ☐ PARTY WITHOUT ATTORNEY)

** If a cross-complaint - or Response (Family Law) seeking affirmative relief - is on file, the attorney for the 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)*:

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

REQUEST FOR DISMISSAL

Code of Civil Procedure, § 581 et seq.;
Gov. Code, § 68637(c); Cal. Rules of Court, rule 3.1390
www.courts.ca.gov

10675.02

PLAINTIFF/PETITIONER: BRIAN CARTMELL, JED MCCALEB	CASE NUMBER:
DEFENDANT/RESPONDENT: BITCOINICA LP	CGC-12-522983

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 fees and costs in this action for *(name):*

2. The person 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 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)

REQUEST FOR DISMISSAL

10675.02