

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): GEORGE F. SCHAEFER 139399 Office of the City Attorney 1200 Third Avenue San Diego, CA 92101 TELEPHONE NO.: (619) 533-5800 FAX NO.: (619) 533-5856 E-MAIL ADDRESS: GSchaefer@sandiego.gov ATTORNEY FOR (<i>Name</i>): Defendant City of San Diego	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO STREET ADDRESS: 330 W. Broadway MAILING ADDRESS: CITY AND ZIP CODE: San Diego 92101 BRANCH NAME: Central	
PLAINTIFF/PETITIONER: Wave House Belmont Park, LLC DEFENDANT/RESPONDENT: City of San Diego	
NOTICE OF ENTRY OF DISMISSAL AND PROOF OF SERVICE <input type="checkbox"/> Personal Injury, Property Damage, or Wrongful Death <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other <input type="checkbox"/> Family Law <input type="checkbox"/> Eminent Domain <input checked="" type="checkbox"/> Other (<i>specify</i>): Contract	CASE NUMBER: 337-2011-00102475-CU-MC-CTL

TO ATTORNEYS AND PARTIES WITHOUT ATTORNEYS: A dismissal was entered in this action by the clerk as shown on the *Request for Dismissal*. (Attach a copy completed by the clerk.)
 Date: October 28, 2013

George F. Schaefer



(TYPE OR PRINT NAME OF ATTORNEY PARTY WITHOUT ATTORNEY)

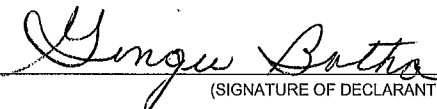
(SIGNATURE)

PROOF OF SERVICE

1. I am over the age of 18 and not a party to this cause. My residence or business address is:
 1200 Third Avenue, Suite 1100
2. I am a resident of or employed in the county where the mailing occurred. I served a copy of the *Notice of Entry of Dismissal* and *Request for Dismissal* by mailing them, in a sealed envelope with postage fully prepaid, as follows:
 - a. I deposited the envelope with the United States Postal Service.
 - b. I placed the envelope for collection and processing for mailing following this business's ordinary practice with which I am readily familiar. On the same day correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.
 - c. Date of deposit: October 31, 2013 d. Place of deposit (*city and state*): San Diego, CA
 - e. Addressed as follows (*name and address*):
 Mark A. Maasch, TURNER & MAASCH, INC. 550 West C Street, Ste. 1160, San Diego, CA 92101
3. I served a copy of the *Notice of Entry of Dismissal* and *Request for Dismissal* by personally delivering copies as shown below:
 - a. Name of person served:
 - b. Address at which person served:
 - c. On (*date*):
 - d. At (*time*):
4. I served a copy of the *Notice of Entry of Dismissal* and *Request for Dismissal* by electronically serving copies as shown below (*complete if electronic service is used based on a court order or agreement of the parties*):
 - a. Name of person served:
 - b. Electronic service address of person served:
 - c. On (*date*):
 - d. At (*time*):
 - e. Electronic service address from which I served the documents:
 Proof of electronic service is attached.
5. Proof of service on additional parties is attached.
 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
 Date: October 31, 2013

Ginger Botha

(TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)

FOR COURT USE ONLY

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
Mark A. Maasch CSB 122637
TURNER & MAASCH, INC.
550 West C Street, Ste. 1160
San Diego, CA 92101
TELEPHONE NO.: 619-237-1212 FAX NO. (Optional): 619-237-0325
E-MAIL ADDRESS (Optional): mam@tmsdlaw.com
ATTORNEY FOR (Name): Wave House Belmont Park, LLC

F I L E D
Clerk of the Superior Court
OCT 28 2013
By: L. Urie, Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
STREET ADDRESS: 330 W. Broadway
MAILING ADDRESS:
CITY AND ZIP CODE: San Diego, CA 92101
BRANCH NAME: Hall of Justice

PLAINTIFF/PETITIONER: Wave House Belmont Park, LLC
DEFENDANT/RESPONDENT: City of San Diego

CASE NUMBER:
37-2011-00102475-CU-MC-CTL

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 *Per M. Maasch*
- (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: August 27, 2013

Mark A. Maasch CSB 122637

(TYPE OR PRINT NAME OF ATTORNEY PARTY WITHOUT ATTORNEY)

[Signature]
(SIGNATURE)
Attorney or party without attorney for: Plaintiff, Wave House Belmont Park, LLC
 Plaintiff/Petitioner Defendant/Respondent
 Cross-Complainant

*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.

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

Date:

(TYPE OR PRINT NAME OF ATTORNEY PARTY WITHOUT ATTORNEY)

[Signature]
(SIGNATURE)
Attorney or party without attorney for:
 Plaintiff/Petitioner Defendant/Respondent
 Cross-Complainant

** 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).

(To be completed by clerk)

- 4. Dismissal entered as requested on (date): **OCT 28 2013**
- 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 28 2013**
- 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 28 2013** Clerk, by *[Signature]*, Deputy

PLAINTIFF/PETITIONER: Wave House Belmont Park, LLC	CASE NUMBER:
DEFENDANT/RESPONDENT: City of San Diego	37-2011-00102475-CU-MC-CTL

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)

1 TURNER & MAASCH, INC.
550 West "C" Street, Suite 1160
2 San Diego, CA 92101
(619) 237-1212
3

4 **PROOF OF SERVICE**

5 I am employed in the County of San Diego, California; I am over the age of 18 years, and am not
a party to the within action. My business address is 550 West C Street, Suite 1150, San Diego,
California 92101.

6 On August 27, 2013, following ordinary business practice, I served the following documents:

7 **REQUEST FOR DISMISSAL**

8 on the following interested parties in this action:

9 George F. Schaefer, Esq. Attorneys for Defendant City of San Diego
10 Walter C. Chung, Esq.
Office of The San Diego City Attorney
11 1200 Third Avenue, Ste. 1100
San Diego, CA 92101
12 gschaefer@sandiego.gov
wchung@sandiego.gov

13 by the following means:

14 [BY Email] By transmitting via email to the above email addresses per agreement with party.

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

17 Executed on August 27, 2013, at San Diego, California.

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20 Mark A. Maasch
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Law Offices
TURNER & MAASCH, INC.
550 WEST C STREET, SUITE 1150
SAN DIEGO, CA 92101-3540
TEL: (619) 237-1212 - FAX: (619) 237-0225

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): GEORGE F. SCHAEFER 139399 Office of the City Attorney 1200 Third Avenue San Diego, CA 92101 TELEPHONE NO.: (619) 533-5800 FAX NO. (Optional): (619) 533-5856 E-MAIL ADDRESS (Optional): GSchaefer@sandiego.gov ATTORNEY FOR (Name): Defendant City of San Diego	FOR COURT USE ONLY
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PLAINTIFF/PETITIONER: Wave House Belmont Park, LLC DEFENDANT/RESPONDENT: City of San Diego	CASE NUMBER: 37-2011-00102475-CU-MC-CTL
<p style="text-align: center;">PROOF OF SERVICE—CIVIL</p> <p>Check method of service (only one):</p> <input type="checkbox"/> By Personal Service <input checked="" type="checkbox"/> By Mail <input type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Messenger Service <input type="checkbox"/> By Fax <input type="checkbox"/> By Electronic Service	JUDGE: Joel M. Pressman DEPT.: 66

(Do not use this proof of service to show service of a Summons and complaint.)

1. At the time of service I was over 18 years of age and **not a party to this action.**
2. My residence or business address is:
1200 Third Avenue, Suite 110, San Diego, CA 92101
3. The fax number or electronic service address from which I served the documents is *(complete if service was by fax or electronic service)*:
4. On *(date)*: October 31, 2013 I served the following **documents** *(specify)*:
Notice of Entry of Dismissal
- The documents are listed in the *Attachment to Proof of Service—Civil (Documents Served)* (form POS-040(D)).
5. I served the documents on the **person or persons** below, as follows:
 - a. Name of person served: John Smaha, SMAHA LAW GROUP, 7860 Mission Center Court, Suite 100
San Diego, CA 92108
 - b. *(Complete if service was by personal service, mail, overnight delivery, or messenger service.)*
Business or residential address where person was served:
 - c. *(Complete if service was by fax or electronic service.)*
 - (1) Fax number or electronic service address where person was served:
 - (2) Time of service:
- The names, addresses, and other applicable information about persons served is on the *Attachment to Proof of Service—Civil (Persons Served)* (form POS-040(P)).
6. The documents were served by the following means *(specify)*:
 - a. **By personal service.** I personally delivered the documents to the persons at the addresses listed in item 5. (1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents, in an envelope or package clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office, between the hours of nine in the morning and five in the evening. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and six in the evening.

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CASE NUMBER:
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6. b. **By United States mail.** I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses in item 5 and (*specify one*):
- (1) deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.
 - (2) placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

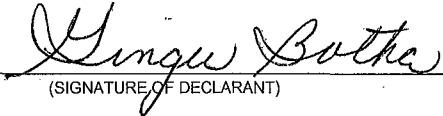
I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at (*city and state*): San Diego, CA

- c. **By overnight delivery.** I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses in item 5. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
- d. **By messenger service.** I served the documents by placing them in an envelope or package addressed to the persons at the addresses listed in item 5 and providing them to a professional messenger service for service. (*A declaration by the messenger must accompany this Proof of Service or be contained in the Declaration of Messenger below.*)
- e. **By fax transmission.** Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed in item 5. No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which I printed out, is attached.
- f. **By electronic service.** Based on a court order or an agreement of the parties to accept electronic service, I caused the documents to be sent to the persons at the electronic service addresses listed in item 5.

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

Date: October 31, 2013

Ginger Botha
(TYPE OR PRINT NAME OF DECLARANT)


(SIGNATURE OF DECLARANT)

(If item 6d above is checked, the declaration below must be completed or a separate declaration from a messenger must be attached.)

DECLARATION OF MESSENGER

- By personal service.** I personally delivered the envelope or package received from the declarant above to the persons at the addresses listed in item 5. (1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents in an envelope or package, which was clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office, between the hours of nine in the morning and five in the evening. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and six in the evening.


At the time of service, I was over 18 years of age. I am not a party to the above-referenced legal proceeding.

I served the envelope or package, as stated above, on (*date*):

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

Date:

(NAME OF DECLARANT)



(SIGNATURE OF DECLARANT)