

1 Bret A. Stone SBN 190161 BStone@PaladinLaw.com
 2 Jon G. Lycett SBN 209425 JLycett@PaladinLaw.com
 3 Kirk M. Tracy SBN 288508 KTracy@PaladinLaw.com
 4 PALADIN LAW GROUP® LLP
 5 1176 Boulevard Way
 6 Walnut Creek, CA 94595
 7 Telephone: (925) 947-5700
 8 Facsimile: (925) 935-8488

6 Counsel for Estate of Robert Renzel, Deceased, by and through his
 7 successors in interest, Susan Carter and Ann Renzel Sebastian;
 8 Robert E. Renzel Trust, by and through its trustees, Susan Carter
 9 and Ann Renzel Sebastian; Susan Carter; Ann Renzel Sebastian;
 10 and Bascom Avenue Development LLC

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 OAKLAND DIVISION

13 ESTATE OF ROBERT RENZEL,
 14 DECEASED *et al.*,

15 *Plaintiffs,*

16 v.

17 ESTATE OF LUPE VENTURA,
 18 DECEASED, *et al.*,

19 *Defendants.*

Case No. 4:15-cv-1648-HSG

NOTICE AND REQUEST FOR DISMISSAL
 PURSUANT TO FED. R. CIV. PROC. 41(a)(2)
 OF HYANG BAE WHANG, SEON GEUN
 WHANG, KYU CHUK WHANG, UKTAE
 HAN, MIJA HAN, THU HUYNH, NGOC T.B.
 TRAN, AND GARY TRAN AND
~~PROPOSED~~ ORDER

20 AND RELATED COUNTERCLAIMS AND
 21 CROSSCLAIM.

23 NOTICE IS HEREBY GIVEN that pursuant to Fed. R. Civ. P. 41(a)(2), and pursuant to
 24 discussions with the Court at the November 29, 2018 Order to Show Cause hearing, Plaintiffs and
 25 Counter-Defendants Estate of Robert Renzel, Deceased, by and through his successors in interest,
 26 Susan Carter and Ann Renzel Sebastian; Robert E. Renzel Trust, by and through its trustees, Susan
 27 Carter and Ann Renzel Sebastian; Susan Carter; Ann Renzel Sebastian; and Bascom Avenue
 28 Development LLC, a California limited liability company (collectively, “Renzel”), Defendants,



1 Counter-Claimants, and Cross-Claimants Carmen Torres and Alfredo Torres (collectively,
2 “Torres”), Hyang Bae Whang, Seon Geun Whang, and Kyu Chuk Whang (collectively, “Whang”),
3 and Uktae Han and Mija Han (collectively, “Han”), hereby request an order that dismisses all claims
4 by and against the *pro se* defendants in this action. The *pro se* defendants include Whang, Han, Thu
5 Huynh and Ngoc T.B. Tran (collectively, “Huynh”), and Gary Tran.

6 On November 14, 2018, Renzel and Torres reached a conditional agreement to terms
7 resolving all claims against each other and agreeing to dismiss all their respective claims,
8 counterclaims, and cross-claims against all *pro se* defendants in this matter. ECF No. 281 (Notice
9 of Settlement). The operative pleadings that contain claims by or against *pro se* defendants in this
10 matter are as follows:

- 11 • Renzel’s Second Amended Complaint, with claims against Whang, Han, Huynh, and
12 Gary Tran. ECF No. 67.
- 13 • Torres’s First Amended Counterclaims, and First Amended Cross-Claims, with claims
14 against Whang, Han, Huynh, and Gary Tran. ECF No. 44.
- 15 • Whang’s Counterclaims and Cross-Claims. ECF No. 71.
- 16 • Huynh’s Counterclaims and Cross-Claims. ECF No. 80.

17 On November 19, 2018, the Court issued an Order to Show Cause why it should not dismiss
18 Whang’s and Huynh’s counterclaims and cross-claims without prejudice, with a hearing on the
19 order set for November 29, 2018. ECF No. 283. None of the *pro se* defendants appeared at the
20 hearing. In communications attempting to reach an agreement to this request for dismissal, Han and
21 Whang are the only *pro se* defendants to have responded.

22 Accordingly, Renzel, Torres, Whang, and Han agree to and request an order:

- 23 1. Dismissing each of Renzel’s claims against Whang, Han, Huynh, and Gary Tran from
24 its Second Amended Complaint (ECF No. 67), without prejudice;
- 25 2. Dismissing each of Torres’s cross-claims against Whang, Han, Huynh, and Gary Tran
26 from its First Amended Cross-Claims (ECF No. 44), without prejudice;
- 27 3. Dismissing Whang’s entire countercomplaint and cross-complaint (ECF No. 71),
28 without prejudice; and



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

4. Dismissing Huynh's entire countercomplaint and cross-complaint (ECF No. 80), with
prejudice.

Respectfully submitted,

DATED: November 30, 2018.

PALADIN LAW GROUP® LLP

/s/ Bret A. Stone

Counsel for Renzel

DATED: November 30, 2018

LEWIS BRISBOIS BISGAARD & SMITH LLP

/s/ Glenn A. Friedman

Counsel for Counter Defendants Ann Renzel
Sebastian, Susan Carter and the Estate of Robert
Renzel

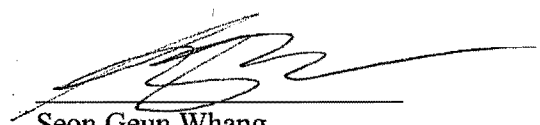
DATED: November 30, 2018

CAUFIELD & JAMES LLP

/s/ Jeffery L. Caufield

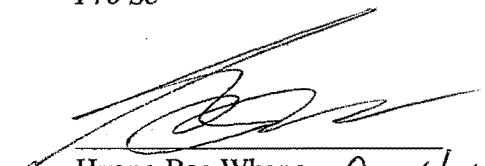
Counsel for Alfredo and Carmen Torres

DATED: November 30, 2018



Seon Geun Whang
Pro Se

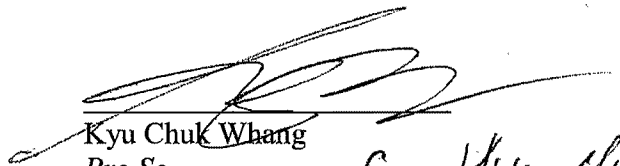
DATED: November 30, 2018



Hyang Bae Whang
Pro Se

for Hyang Bae Whang

DATED: November 30, 2018



Kyu Chuk Whang
Pro Se

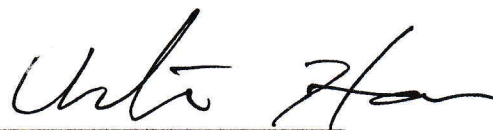
for Kyu Chuk Whang

///
///
///



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DATED: November 30, 2018



UKTAE HAN
Pro Se

DATED: November 30, 2018



MIJA HAN
Pro Se

[PROPOSED] ORDER

Good cause appearing, the Court orders as follows:

1. Each of Renzel's claims against Whang, Han, Huynh, and Gary Tran from its Second Amended Complaint (ECF No. 67) are hereby dismissed without prejudice;
2. Each of Torres's cross-claims against Whang, Han, Huynh, and Gary Tran from its First Amended Cross-Claims (ECF No. 44) are hereby dismissed without prejudice;
3. Whang's countercomplaint and cross-complaint (ECF No. 71) is hereby dismissed without prejudice.

Dated: 12/11/2018


United States District Judge