



1 Troy D. Wiggins, State Bar Number 105019
Bradford A. Rosenblatt, State Bar Number 233297
2 WIGGINS MARKS ROSENBLATT LLP
180 Montgomery Street, Ste. 1250
3 San Francisco, CA 94104
Telephone: (415) 840-7177
4 Facsimile: (415) 970-5066

5 Attorneys for Defendants
DAWS MANUFACTURING COMPANY, INC.;
6 LOWE'S HIW, INC.; LOWE'S COMPANIES, INC.
KOBALT TOOLS; BETTER BUILT COMPANY

7 UNITED STATES DISTRICT COURT
8
9 NORTHERN DISTRICT OF CALIFORNIA
10
11 SAN JOSE DIVISION

11 JESUS CORTES DIAZ, MARGARITA)
DIAZ and JESUS CORTES DIAZ as)
12 guardian ad litem for ITZEL CORTES)
DIAZ, individually, and as Successors in)
13 Interest of JOSE CORTES DIAZ, deceased)

14 Plaintiffs,)

15 v.)

16 DAWS MANUFACTURING COMPANY,)
INC., LOWE'S COMPANIES, INC.,)
17 BETTER BUILT COMPANY, SNAP-ON)
INCORPORATED, KOBALT TOOLS,)
18 and DOES 1 through 100, inclusive)

19 Defendants.)
20

CASE NUMBER: C 12-05325 EJD

**NOTICE OF WITHDRAWAL OF
MOTION TO STRIKE PORTIONS
OF PLAINTIFFS' FIRST
AMENDED COMPLAINT AND
MOTION TO DISMISS BETTER
BUILT COMPANY**

Hearing Date of Withdrawn
Motions: February 15, 2013, 9:00
a.m., Courtroom 4

[Removed from Santa Clara
Superior Case No. 1-12-CV-
227689 on October 16, 2012]

21 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

22 PLEASE TAKE NOTICE THAT DEFENDANTS DAWS MANUFACTURING COMPANY, INC.,
23 LOWE'S HIW, INC., LOWE'S COMPANIES, INC., KOBALT TOOLS AND BETTER BUILT
24 COMPANY hereby withdraw their MOTION TO STRIKE PORTIONS OF PLAINTIFFS' FIRST
25 AMENDED COMPLAINT

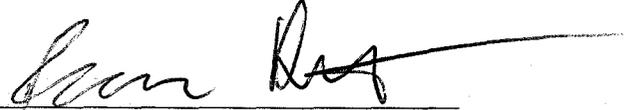
26 ///

27
28 NOTICE OF WITHDRAWAL OF MOTION TO STRIKE PORTIONS OF PLAINTIFFS' FIRST AMENDED COMPLAINT AND MOTION TO
DISMISS BETTER BUILT COMPANY
CASE NO. C 12-05325 EJD

1 PLEASE TAKE FURTHER NOTICE THAT DEFENDANT DAWS MANUFACTURING
2 COMPANY, INC., hereby withdraws its MOTION TO DISMISS BETTER BUILT COMPANY

3 DATED: November 7, 2012

4 WIGGINS MARKS ROSENBLATT LLP

5 

6 Bradford A. Rosenblatt
7 Attorneys for Defendants
8 DAWS MANUFACTURING COMPANY, INC.;
9 LOWE'S HIW, INC.; LOWE'S COMPANIES, INC.;
10 KOBALT TOOLS AND BETTER BUILT
11 COMPANY

1 CERTIFICATE OF SERVICE

2 I, Margaret Mincher, declare that I am a citizen of the U.S. and am employed at the law firm of
3 WIGGINS MARKS ROSENBLATT LLP; I am over the age of 18 years and am not a party to the within
4 action; my business address is 180 Montgomery St., Ste. 1250, San Francisco, CA 94104.

5 On November 7, 2012, I served a true and correct copy of the following **NOTICE OF WITHDRAWAL**
6 **OF MOTION TO STRIKE PORTIONS OF PLAINTIFFS' FIRST AMENDED COMPLAINT AND**
7 **MOTION TO DISMISS BETTER BUILT COMPANY** on all parties of record:

8 By placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in
9 the United States mailbox at San Francisco, California, addressed as follows AND

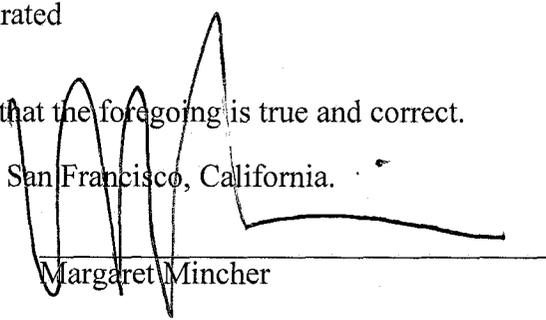
10 by facsimile transmission to the telephone numbers below:

11 Michael Murt Shea
12 Nicole N. Hancock
13 Shea & Shea
14 The James Square Building
15 255 North Market Street, Suite 190
16 San Jose, CA 95110-2409
17 Attorneys for Plaintiffs/Guardian Ad Litem Jesus Cortes Diaz and Margarita Diaz
18 Facsimile: (408) 292-1264

19 Paul E. Stephan
20 Selman Breitman LLP
21 33 New Montgomery, Sixth Floor
22 San Francisco, CA 94105-4537
23 Attorneys for Defendant Snap-on Incorporated
24 Facsimile: (415) 979.2099

25 I declare under penalty of perjury that the foregoing is true and correct.

26 Executed on November 7, 2012 at San Francisco, California.

27 
28 Margaret Mincher