

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

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Jul-17-2017 11:39 am

Case Number: CGC-17-556288

Filing Date: Jul-17-2017 11:37

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Image: 05947613

ORDER

PAUL KELLY ET AL VS. MATTHEW C. DIRKES ET AL

001C05947613

Instructions:

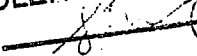
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FILED
San Francisco County Superior Court

JUL 17 2017

CLERK OF THE COURT

BY:  Deputy Clerk

Attorney for PLAINTIFFS

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF SAN FRANCISCO

11 PAUL KELLY and
12 DANIELLE PHILLIPS,

13 Plaintiffs,

14 v.

15 MATTHEW C. DIRKES and
16 DOES 1 through 10,

17 Defendants.

Case No.: CGC-17-556288

(Unlimited Civil Case)

~~PROPOSED~~ ORDER GRANTING
PLAINTIFFS' *EX PARTE* APPLICATION
FOR ORDER TO WITHDRAW
PLAINTIFFS' FIRST AMENDED
COMPLAINT

Date: July 17, 2016

Time: 11:00

Dept.: 501

19 Having considered the *ex parte* application to withdraw Plaintiffs' First Amended
20 Complaint, and good cause appearing, IT IS HEREBY ORDERED:

- 21 1. Plaintiffs' First Amended complaint is withdrawn and Plaintiffs stand on their original
22 Complaint, filed on January 6, 2017.
- 23 2. Plaintiffs will not re-file a First Amended Complaint, and the action will proceed as if
24 Plaintiffs failed to file an amended complaint following Judge Quidachay's Order, dated
25 May 17, 2017, sustaining Defendant's demurrer to the Complaint with leave to amend.
- 26 3. Defendants will not file any Motion for Sanctions arising out of the now-withdrawn First
27 Amended Complaint.


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[PROPOSED] ORDER GRANTING PLAINTIFFS' *EX PARTE* APPLICATION FOR ORDER TO WITHDRAW
PLAINTIFFS' FIRST AMENDED COMPLAINT - 1

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4. Plaintiffs preserve and do not forfeit or waive their right to challenge through appeal Judge Quidachay's Order, dated May 17, 2017, sustaining Defendant's demurrer to the original Complaint.

Dated: 7/17/17



Honorable Judge Ronald Quidachay