

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): Steven T. Lowe, Esq. (SBN 122208) Lowe & Associates 8383 Wilshire Blvd, Suite 1038 Beverly Hills, CA 90211 TELEPHONE NO.: 310-477-5811 FAX NO.: ATTORNEY FOR (Name): Plaintiff, Michael Postle	FOR COURT USE ONLY
NAME OF COURT: Sacramento Superior Court STREET ADDRESS: 720 9th Street MAILING ADDRESS: CITY AND ZIP CODE: Sacramento, CA 95814 BRANCH NAME: Gordon D. Schaber Superior Court	
CASE NAME: Michael Postle. v. Veronica Brill, et al.	CASE NUMBER: 34-2020-00286265
DECLARATION IN SUPPORT OF ATTORNEY'S MOTION TO BE RELIEVED AS COUNSEL—CIVIL	HEARING DATE: January 14, 2021 DEPT.: 53 TIME: 1:30 p.m. BEFORE HON.: Richard K. Sueyoshi DATE ACTION FILED: 10/01/2020 TRIAL DATE:

1. **Attorney and Represented Party.** Attorney (name): **Steven T. Lowe** is presently counsel of record for (name of party): **Plaintiff, Michael Postle** in the above-captioned action or proceeding.
2. **Reasons for Motion.** Attorney makes this motion to be relieved as counsel under Code of Civil Procedure section 284(2) instead of filing a consent under section 284(1) for the following reasons (describe):

Client has failed to comply with the written agreement between the firm and the client, and communication has otherwise ceased between client and attorney.

☐ Continued on Attachment 2.

3. Service

a. Attorney has

- (1) ☐ personally served the client with copies of the motion papers filed with this declaration. A copy of the proof of service will be filed with the court at least 5 days before the hearing.
- (2) ☒ served the client by mail at the client's last known address with copies of the motion papers served with this declaration.

b. If the client has been served by mail at the client's last known address, attorney has

- (1) ☐ confirmed within the past 30 days that the address is current

- (a) ☐ by mail, return receipt requested.
- (b) ☐ by telephone.
- (c) ☐ by conversation.
- (d) ☐ by other means (specify):

(Continued on reverse)

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3. b. (2) ☒ been unable to confirm that the address is current or to locate a more current address for the client after making the following efforts:

(a) ☒ mailing the motion papers to the client's last known address, return receipt requested.

(b) ☒ calling the client's last known telephone number or numbers.

(c) ☒ contacting persons familiar with the client (*specify*):

Emailed & called client representative to confirm address on 12/7/20, but no answer.

(d) ☐ conducting a search (*describe*):

(e) ☐ other (*specify*):

- c. Even if attorney has been unable to serve the client with the moving papers, the court should grant attorney's motion to be relieved as counsel of record (*explain*):

While client has been unresponsive to phone calls, emails & letters for approximately one (1) month, up to November 3, 2020 firm was in regular email, telephone and text communication with client.

4. The next hearing scheduled in this action or proceeding

a. ☒ is not yet set.

b. ☐ is set as follows (*specify the date, time, and place*):

c. ☐ concerns (*describe the subject matter of the hearing*):

☐ Continued on Attachment 4.

5. The following additional hearings and other proceedings (including discovery matters) are presently scheduled in this case (*for each, describe the date, time, place, and subject matter*):

☐ Continued on Attachment 5.

6. Trial in this action or proceeding

a. ☒ is not yet set.

b. ☐ is set as follows (*specify the date, time, and place*):

7. **Other.** Other matters that the court should consider in determining whether to grant this motion are the following (*explain*):

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

Date: 12/7/20

Steven T. Lowe

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

8. Number of pages attached: _____

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

3 I am a resident of the United States and employed in the County of Los Angeles, State of
4 California, over the age of 18 and not a party to the within action or proceedings; my business
address is 8383 Wilshire Blvd, Suite 1038, Beverly Hills, California 90211.

5 On December 7, 2020 I served the foregoing document(s) described as:

6 **DECLARATION IN SUPPORT OF ATTORNEY'S MOTION TO BE RELIEVED**
7 **AS COUNSEL-CIVIL**

8 on the interested parties and/or through their attorneys of record by depositing the original or true
9 copy thereof as designated below, at Los Angeles, California, addressed to the following as
follows:

10 **Eric Bensamochan**
11 **The Bensamochan Law Firm Inc**
12 **9025 Wilshire Blvd, Ste 215**
13 **Beverly Hills, CA 90211**
14 **eric@eblawfirm.us**

15 **Michael Postle**
16 **3724 Deer Walk Way**
17 **Antelope, CA 95843**
18 **dreamseatpoker@gmail.com**

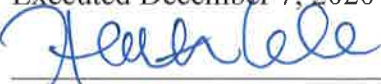
- 19 (X) **BY MAIL(C.C.P. §§1013(a)):** I caused said document(s) to be deposited in the United
20 States Mail in a sealed envelope with postage fully prepaid at Los Angeles, California,
21 following the ordinary practice at my place of business of collection and processing of
22 mail.
- 23 () **BY HAND DELIVERY/PERSONAL SERVICE (C.C.P. §§1011, et seq.):** I caused
24 said document(s) to be personally served to the addressee listed above.
- 25 () **BY TELECOPY/FACSIMILE (C.C.P. §§1012.5 et seq.):** I caused said document(s) to
26 be telecopied to the addressee listed above; telecopier ("Fax") number:
- 27 () **BY EXPRESS MAIL (C.C.P. §§1013(c)(d), et seq.):** I caused said document(s) to be
28 deposited with an express service carrier in a sealed envelope designed by the carrier as an
express mail envelope, with fees and postage prepaid.
- (X) **BY E-MAIL OR ELECTRONIC TRANSMISSION (C.C.P. §§1020, et seq.):** I caused
said document(s) to be sent from e-mail address heather@lowelaw.com to the persons at
the e-mail addresses listed in the Service List. I did not receive, within a reasonable time
after the transmission, any electronic message or other indication that the transmission
was unsuccessful.
- (X) **BY E-MAIL Pursuant to (CCP §§1010.6, et seq.):** LA County Superior Court's Local
Rules and the LA County Superior Court General Rule concerning Covid-19 including
but not limited to California Rules of Court Emergency Rule 12(b)(1) based on the named

1 party's electronic filing in this case and/or otherwise appearing in the matter being
2 deemed assent to required electronic service under the local rules, I sent such document to
the individuals(s) identified at the email address referenced above.

3 (X) **BY E-MAIL Pursuant to CCP §§1010.6, et seq.**: LA County Superior Court's Local
4 Rules and the LA County Superior Court General Rule concerning Covid-19 including
5 but not limited to California Rules of Court Emergency Rule 12(b)(2) based on the
6 serving party's request that the served party accept such service and given they are not
self-represented, I sent such document to the individuals(s) identified at the email address
referenced above after confirming it was a proper email address for counsel for the party
being served.

7
8 (X) (State) I declare under penalty of perjury under the laws of the State of California that the
above is true and correct.

9 Executed December 7, 2020 at Los Angeles, California.

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11 Heather Cole
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