

COMES NOW plaintiff, and pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, hereby voluntarily dismisses this action without prejudice. In support of this Notice, plaintiff shows the Court as follows:

1. The above-captioned action is pending in this Court and no defendant has answered or moved for summary judgment.

2. Rule 41(a)(1) provides that “the plaintiff may dismiss an action without a court order by filing: (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment”

3. No defendant having answered or moved for summary judgment, plaintiff will and hereby does dismiss this action without prejudice.

WHEREFORE, plaintiff hereby voluntarily dismisses this action without prejudice.

DATED: September 1, 2009

COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP
JAMES I. JACONETTE

s/ JAMES I. JACONETTE

JAMES I. JACONETTE

655 West Broadway, Suite 1900
San Diego, CA 92101
Telephone: 619/231-1058
619/231-7423 (fax)

CROWLEY NORMAN, LLP
RICHARD E. NORMAN
State Bar No. 00788128
Three Riverway, Suite 1775
Houston, TX 77056
Telephone: 713/651-1771
713/651-1775 (fax)

EDWARD J. WESTMORELAND, P.C.
EDWARD J. WESTMORELAND
State Bar No. 21227900
2000 Bering Drive, 380
Houston, TX 77057
Telephone: 713/334-7011
713/334-7420 (fax)

Attorneys for Plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that on September 1, 2009, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on September 1, 2009.

s/ JAMES I. JACONETTE
JAMES I. JACONETTE

COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP
655 West Broadway, Suite 1900
San Diego, CA 92101-3301
Telephone: 619/231-1058
619/231-7423 (fax)

E-mail: jamesj@csgrr.com

Mailing Information for a Case 4:09-cv-00511

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **Susan Ann Dillon Ayers**
sue.ayers@bakerbotts.com
- **James I Jaconette**
jamesj@csgrr.com,e_file_sd@csgrr.com
- **Richard Eugene Norman**
rnorman@crowleynorman.com,mbarnes@crowleynorman.com

Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)