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10 **UNITED STATES DISTRICT COURT**  
 11 **DISTRICT OF ARIZONA**

12 XCENTRIC VENTURES, LLC, an  
 13 Arizona limited liability corporation, and  
 JABURG & WILK, P.C., a professional  
 14 corporation,

15 Plaintiffs,

16 v.

17 SHAWN RICHESON,

18 Defendant.

Case No.: 2:10-cv-1931-PHX-NVW

**PLAINTIFF'S MOTION TO DISMISS  
 ACTION PURSUANT TO  
 RULE 41 (A)(2)**

19 Plaintiff Xcentric Ventures, LLC hereby moves this Court for dismissal of the  
 20 action pursuant to Rule 41(a)(2).

21 Plaintiff Xcentric Ventures, LLC is the only remaining plaintiff in the case and  
 22 there is no longer a Counterclaim as the Counterclaim has been dismissed. Thus, the only  
 23 remaining claims are the claims that Xcentric has voluntarily decided to dismiss.

24 There has been no discovery conducted and, thus, Defendant Richeson can have no  
 25 taxable costs.

26 There are four motions currently pending in this action:

27 Document 26: Motion for Order to Show Cause Regarding Contempt filed by  
 28 Plaintiff Jaburg & Wilk.

1 Document 27: Motion for Sanctions against Maria Crimi Speth and Jaburg & Wilk  
2 filed by Defendant Richeson.

3 Document 38: Cross Motion for Sanctions filed by Plaintiff Jaburg & Wilk.

4 Document 60: Motion for Summary Judgment filed by Defendant Richeson.

5 The Motion for Summary Judgment is mooted if this Court grants Plaintiff's  
6 Motion to Dismiss. Plaintiff requests that the Court rule on the Motions that are  
7 Document Number 26, 27 and 38 before granting dismissal of this action.

8 Plaintiff also moves to release the \$100 bond that was filed on September 9, 2010  
9 (Document 12).

10 Plaintiff submits herewith a proposed Order and a proposed Judgment<sup>1</sup>.

11 DATED this 9<sup>th</sup> day of December, 2010.

12  
13 **JABURG & WILK, P.C.**

14 s/Maria Crimi Speth  
15 Maria Crimi Speth  
16 Attorneys for Plaintiff

17 *Certificate of Service*

18 I hereby certify that on the 9th day of December, 2010, I electronically transmitted the  
19 attached document to the Clerk's Office using the CM/ECF System for filing.

20 I have also caused to be delivered to Defendant, who is not registered with the CM/ECF  
21 System, a copy of the attached document by First Class Mail and E-Mail:

22 Shawn Richeson  
23 1906 Twilight Drive  
24 Killeen, Texas 76543  
25 Shawn@ClickaNerd.com  
26 Defendant Pro Per

27 s/Debra Gower

28 <sup>1</sup> The Stipulated Order for Permanent Injunction was not submitted as a final judgment. If this matter is dismissed, that order should properly be entered as a judgment.