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8 Attorneys for Plaintiff
9 CATARINA MENDOZA

10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
12 **SAN FRANCISCO DIVISION**

13 CATARINO MENDOZA, an individual,

14 Plaintiff,

15 v.

16 WILMINGTON FINANCE, a business entity,
17 form unknown; FIVE STAR INVESTMENT
18 AND REALTY; ACADEMY ESCROW, INC., a
19 business entity, form unknown; NEW
20 CENTURY, a business entity, form unknown;
21 NORTH AMERICAN TITLE COMPANY, a
22 business entity, form unknown; MORTGAGE
23 ELECTRONIC REGISTRATION SYSTEMS,
24 INC., a business entity, form unknown; and
25 DOES 1-100, inclusive,

26 Defendants.

Case No.: 3:10-CV-05792-SC

**PLAINTIFF'S NOTICE OF VOLUNTARY
DISMISSAL WITHOUT PREJUDICE
PURSUANT TO FEDERAL RULE OF CIVIL
PROCEDURE 41(a)(1)**

Judge: Hon. Samuel Conti

Complaint Filed: December 20, 2010

27 **PLEASE TAKE NOTICE** that Plaintiff CATARINO MENDOZA ("Plaintiff"), pursuant to
28 Federal Rule of Civil Procedure 41(a)(1), hereby voluntarily dismisses all claims in this action
without prejudice as to Defendants Five Star Investment and Realty, New Century, and North

1 American Title Company.

2 Federal Rule of Civil Procedure 41(a)(1) provides, in relevant part:

3 (a) Voluntary Dismissal.

4 **(1) By the Plaintiff.**

5 **(A) Without a Court Order.** Subject to Rules 23(e), 23.1(c), 23.2, and 66 and any
6 applicable federal statute, the plaintiff may dismiss an action without a court order
7 by filing:

8 **(i)** a notice of dismissal before the opposing party serves either an answer or a
9 motion for summary judgment;

10 Defendants have neither answered Plaintiff's Complaint, nor filed a motion for
11 summary judgment. Accordingly, this matter may be dismissed without prejudice and without
12 an Order of the Court.

13 DATED: November 21, 2011

Respectfully Submitted,

LEPERA + ASSOCIATES, PC

By: s/s Joseph A. Lepera

Joseph A. Lepera

Attorneys for Plaintiffs

