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 9 **UNITED STATES DISTRICT COURT**
 10 **FOR THE NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO**
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12 LEONARD J. GIANNINI,

_ CASE:3:11-cv-04489

_ Honorable Judge Thelton E. Henderson

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 16 Plaintiff,

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

17
 18 v.

19 AMERICAN HOME MORTGAGE
 20 SERVICING INC. and DOES 1-10,
 21 inclusive,

22 Defendant
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1 PLEASE TAKE NOTICE that Plaintiff LEONARD GIANNINI (“Plaintiff”),
2 pursuant to Federal Rule of Civil Procedure 41(a)(1), hereby voluntarily dismisses all
3 claims in this action without prejudice as to Defendant AMERICAN HOME
4 MORTGAGE SERVICING INC. and DOES 1-10, inclusive (“Defendant”). *Federal*
5 *Rule of Civil Procedure* 41(a)(1) provides, in relevant part:
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- 8 (a) Voluntary Dismissal.
- 9 (1) By the Plaintiff.
- 10 (A) Without a Court Order.

11 Subject to Rules 23(e), 23.1(c), 23.2, and 66 and any applicable federal
12 statute, the Plaintiff may dismiss an action without a court order by filing:
13 (i) a notice of dismissal before the opposing party serves either an answer
14 or a motion for summary judgment.

15 Here, Defendant has neither answered Plaintiff’s Complaint nor filed a motion for
16 summary judgment. Accordingly, this matter may be dismissed *without prejudice* and
17 without an Order of the Court.

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19 DATED: May 1, 2012 LAW OFFICES OF JOEL M. FEINSTEIN, APC
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24 BY: 
25 JOEL M. FEINSTEIN, ESQ.
26 Attorney for Plaintiff
27 LEONARD GIANNINI
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