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8 Attorneys for Plaintiff
 9 Epifanio Villanueva Corrales

10 **UNITED STATES DISTRICT COURT**
 11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

12 EPIFANIO VILLANUEVA CORRALES, an individual,
 13 Plaintiff,
 14 vs.
 15 CENTRAL MORTGAGE COMPANY
 16 WHICH WILL DO BUSINESS IN
 17 CALIFORNIA AS CENTRAL MORTGAGE
 18 LOAN SERVICING COMPANY and DOES 1
 19 through 20, Inclusive,
 20 Defendants.

Case No.: 5:13-CV-05601-EJD

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

21 **PLEASE TAKE NOTICE** that Plaintiff EPIFANIO VILLANUEVA CORRALES,
 22 pursuant to Federal Rule of Civil Procedure 41(a)(1), hereby voluntarily dismisses all claims in
 23 this action, *without prejudice* as to all defendants.

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

- 25 (a) VOLUNTARY DISMISSAL
- 26 (1) By the Plaintiff.

1 (A) Without a Court Order. Subject to Rules 23(e), 23.1(c), 23.2 and 66 and
2 any applicable federal statute, the plaintiff may dismiss an action without a
3 court order by filing;

4 (i) a notice of dismissal before the opposing party serves either an answer
5 or motion for summary judgment.

6 Defendants have neither answered Plaintiffs' Complaint, nor filed a motion for summary
7 judgment. Accordingly, this matter may be dismissed without prejudice and without an Order of
8 the Court.

9 All attorneys' fees and costs of court are to be borne by the party that incurred them.

10 The Clerk shall close this file.

11
12 Date: February 4, 2014

12 By: /S/ NICK PACHECO
13 NICK PACHECO, ESQ.
14 Attorney for Plaintiff
15 EPIFANIO VILLANUEVA
16 CORRALES
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CERTIFICATE OF SERVICE

I hereby certify that on February 4, 2014, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants.

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I also caused the foregoing **PLAINTIFFS' NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 41 (a)(1)(i)** to be served by U.S. Mail with postage prepaid upon the parties.

A copy to chambers was also sent with Notice of Electronic Filing via GSO on February 4, 2014.

Hon. Edward J. Davila
San Jose Courthouse-Courtroom 4 – 5th Floor
280 South 1st Street, San Jose, CA 95113

Date: February 4, 2014

By: /s/ Giovanni Benavidez
Giovanni Benavidez