

1 ROBERT E. ROSENTHAL (SBN 67343)
 ANDREW B. KREEFT (SBN 126673)
 2 MATTHEW R. RANKIN (SBN 290751)
 BOHNEN, ROSENTHAL & KREEFT
 3 787 Munras Avenue, Suite 200
 P.O. Box 1111
 4 Monterey, CA 93942-1111
 Telephone: (831) 649-5551
 5 Facsimile: (831) 649-0272

6 Attorneys for Plaintiff, Thomas Cutino

7 UNITED STATES DISTRICT COURT
 8 NORTHERN DISTRICT OF CALIFORNIA
 9 SAN JOSE DIVISION

11 THOMAS CUTINO,

12 Plaintiff,

13 v.

14 JOHN ARTHUR HURLEY, an individual,
 DEPARTMENT OF THE ARMY, and
 15 DOES 1 through 10, inclusive,

16 Defendants.

CASE NO. 5:15-CV-01734-NC

REQUEST FOR DISMISSAL WITHOUT PREJUDICE AND ORDER

Trial Date: Not Scheduled

TO THE COURT:

18 Pursuant to Federal Rule of Civil Procedure 41, Plaintiff Thomas Cutino requests to
 19 dismiss the above-entitled lawsuit. This dismissal shall be without prejudice, with each side to
 20 bear its own costs and fees.
 21

22 Respectfully submitted,

23 Dated: June 1, 2015

BOHNEN, ROSENTHAL & KREEFT

24 By: /s/ Robert E. Rosenthal
 25 ROBERT E. ROSENTHAL
 26 Attorneys for Plaintiff Thomas Cutino

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

Upon review of Plaintiff's Request for Dismissal without prejudice, and based upon the records and papers on file herein and good cause appearing therefrom;

IT IS HEREBY ORDERED that this action is dismissed without prejudice.

DATED: June 1, 2015



1 **PROOF OF SERVICE**

2 The undersigned declares as follows:

3 I am a citizen of the United States and employed in the County of Monterey, State of
4 California. I am over the age of 18 and not a party to the within action; my business address is:
787 Munras Avenue, Suite 200, P.O. Box 1111, Monterey, California 93942.

5 I served the following document as follows:

6 **Counsel for Defendants**

7 Michael D. Sutton
8 Department of the Army
9 OSJA Claims
10 Attn: Torts
11 1336 Plummer Street, Bldg. 275
12 Monterey, California 93944-500

11 **BY MAIL:** By placing a copy(ies) thereof in a sealed envelope(s) addressed to the above-
12 listed person(s) and place(s) of business. I am "readily familiar" with the firm's practice of
13 collection and processing correspondence for mailing. Under that practice, it would be deposited
with the United States postal service on that same day with postage thereon fully prepaid at
Monterey, California in the ordinary course of business.

14 x **BY ELECTRONIC TRANSMISSION:** by transmitting via electronic mail, the
document(s) listed above to the electronic mail addresses set forth below on this date.

15 **BY FACSIMILE:** The above-referenced document(s) was faxed to the above-listed
16 person(s) and/or place(s) of business at the above-listed fax number(s). The facsimile machine
17 used complies with California Rules of Court, Rule 2003(3), and no error was reported by the
machine.

18 I declare under penalty of perjury under the laws of the State of California that the
19 foregoing is true and correct. Executed on **June 1, 2015** at Monterey, California.

20
21 _____
22 CONNIE TABOR
23
24
25
26
27
28