

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

MARK FAUGHN, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 14-CV-00245-BCW
)	
JPMORGAN CHASE BANK, N.A.,)	
)	
Defendant.)	

MOTION FOR DISMISSAL WITHOUT PREJUDICE

COME NOW Plaintiffs, by and through counsel of record, and move the Court for leave to dismiss the above-captioned case without prejudice. In support of their motion, Plaintiffs state as follows:

1. This case arises out of Defendant’s alleged involvement in a Ponzi scheme by which Plaintiffs were defrauded through the sale of fake or worthless certificates of deposit. Plaintiffs allege that Defendant had knowledge that certain accounts associated with William Wise, Jacqueline Hoegel and/or Kristi Hoegel were being used to receive money taken from Plaintiffs and to funnel that money to off-shore accounts. Plaintiffs further allege that Defendant aided and abetted the Ponzi scheme, and became a co-conspirator to the scheme through its failure to report the financial transactions to law enforcement and failure to freeze the accounts or take any action to prevent the disbursement of the money obtained by defrauding the Plaintiffs.

2. This case was filed on March 13, 2014.

3. Proceedings were effectively stayed until March 30, 2015 when the Court entered its order (Doc. 49) regarding Defendant's motion to strike Exhibits A and C to its Complaint.

4. No discovery has taken place and no substantive rulings have been made other than the order striking Exhibits A and C, and the order denying Plaintiffs' motion for default judgment.

5. Plaintiffs have amended their Complaint consistent with the Court's order, omitting the exhibits and making no reference to them.

6. As the Court is aware, Defendant is party to a class action lawsuit based on a same or similar cause of action pending before the U.S. District Court of Massachusetts (*Hollis v. JPMorgan Chase Bank, N.A.*, Civil Action No. 1:12-cv-10544-JGD).

7. The *Hollis* case is two years older than the above-captioned case, and procedurally advanced in comparison to the above-captioned case.

8. Plaintiffs anticipate that a class will be certified in the *Hollis* case, and that some or all of the plaintiffs in the above-captioned case will qualify as members of the class.

9. Plaintiffs submit that it would serve the interests of judicial economy to allow the above-captioned case to be dismissed without prejudice. Missouri's one-year savings clause will permit Plaintiffs to wait while the *Hollis* case develops. If the *Hollis* case achieves the anticipated procedural posture, the interests of all eligible class members in the Missouri action will be protected. If the *Hollis* case does not achieve the anticipated procedural posture, Plaintiffs can re-file their case within the time permitted by the one-year savings clause.

10. Plaintiffs do not anticipate any prejudice to Defendant. Plaintiffs' counsel has conferred with Defendant's counsel, and Defendant's counsel indicated that Defendant takes no position regarding this motion.

11. Plaintiffs do not oppose an extension of time for Defendant's Answer to Plaintiffs' Amended Complaint in order to permit the Court to rule on this motion before the Answer is due.

12. This motion is not made for vexation or delay, but in the interests of fairness and judicial economy.

WHEREFORE, for the foregoing reasons, Plaintiffs respectfully request that the Court permit Plaintiffs to dismiss the above-captioned case without prejudice.

Respectfully submitted,

/s/ Rick D. Holtsclaw
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ATTORNEY FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I certify that on this 26th day of May, 2015, I filed the above and foregoing electronically with CM/ECF, which will automatically transmit a copy of this document to Defendant's counsel of record.

/s/ Rick D. Holtsclaw
Attorney for Plaintiffs

