

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In Re: Methyl Tertiary Butyl Ether ("MTBE")
Products Liability Litigation

Master File No. 1:00-1898 (VSB)

MDL 1358

This document relates to:

*Commonwealth of Pennsylvania v. Exxon Mobil
Corporation et al., Case No. 14-cv-06228*

**NOTICE OF VOLUNTARY DISMISSAL WITH PREJUDICE
UNDER FED. R. CIV. P. Rule 41(a)(1) AS TO
WESTERN REFINING YORKTOWN, INC.**

TO THE HONORABLE COURT:

PLEASE TAKE NOTICE that Plaintiff Commonwealth of Pennsylvania ("Plaintiff"), by and through its undersigned counsel, respectfully submits this Notice of Voluntary Dismissal With Prejudice pursuant to Fed. R. Civ. P. 41(a)(1) as to Defendant Western Refining Yorktown, Inc. ("Yorktown").

WHEREAS Plaintiff initially filed its Complaint on or about June 19, 2014, in the Court of Common Pleas of Philadelphia County, Commonwealth of Pennsylvania, originally captioned Case ID 140602881 (this matter is hereinafter referred to as "the Litigation"):

WHEREAS the litigation is currently pending as part of a multidistrict litigation in the United States District Court for the Southern District of New York, MDL 1358 (VSB), Master File No. 1:00-1898, No. 1:14-cv-06228-VSB; and

WHEREAS Plaintiff and Yorktown have agreed to a dismissal *with prejudice* of Yorktown from the Litigation.

IT IS HEREBY NOTICED THAT Plaintiff dismisses Yorktown *with prejudice* from the Litigation pursuant to Fed. R. Civ. P. 41(a)(1).

RESPECTFULLY SUBMITTED.

DATED: January 28 2019

MILLER & AXLINE
A Professional Corporation

By: 

Duane Miller
Special Counsel for Plaintiff
Commonwealth of Pennsylvania

IT IS SO ORDERED:



Vernon S. Broderick 1/30/2019
United States District Judge

PROOF OF SERVICE VIA FILE & SERVEXPRESS

Commonwealth of Pennsylvania v. Exxon Mobil Corporation, et al., United States District Court,
Southern District of New York Case No. 14-cv-02228 (SAS)

I, the undersigned, declare that I am, and was at the time of service of the paper(s) herein referred to, over the age of 18 years and not a party to this action. My business address is 1050 Fulton Avenue Suite 100, Sacramento, CA 05825-4225.

On the date below, I served the following document on all counsel in this action electronically through LexisNexis File & Serve:

**NOTICE OF VOLUNTARY DISMISSAL WITH PREJUDICE UNDER
FED. R. CIV. P. 41(a)(1) AS TO WESTERN REFINING YORKTOWN, INC.**

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct.

Executed on January 28, 2019, at Sacramento, California.



TONGA L. ELLSWORTH