

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re ELEVATOR ANTITRUST	X	:	Civil Action No. 04-CV-01178(TPG)
LITIGATION		:	

ELECTRONICALLY FILED

This Document Relates To:	:	:	NOTICE OF DISMISSAL WITHOUT
		:	PREJUDICE

Civil Action No. 04-CV-0357 (TPG)	:
(Mountain Bay Construction, Inc. and	:
435 Pacific Inc. v. United Technologies	:
Corporation, et al.)	:

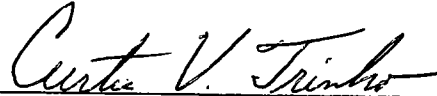
X

PLEASE TAKE NOTICE THAT pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, plaintiffs Mountain Bay Construction and 435 Pacific Inc. hereby voluntarily dismiss their action in this matter without prejudice, without costs and without fees.

DATED: June 7, 2005

Respectfully submitted,

LAW OFFICES OF CURTIS V. TRINKO, LLP
CURTIS V. TRINKO



CURTIS V. TRINKO (CT-1838)

16 West 46th Street, 7th Floor
New York, NY 10036
Telephone: 212/997-9616

Counsel for Plaintiffs Mountain Bay
Construction, Inc. and 435 Pacific Inc.


STEYER LOWENTHAL BOODROOKAS
ALVAREZ & SMITH LLP
ALLAN STEYER
One California Street, 3rd Floor
San Francisco, CA 94111
Telephone: 415/421-3400
415/421-2234 (fax)

S:\CasesSD\Elevators\NOT00021635.doc

CERTIFICATE OF SERVICE

I, Curtis V. Trinko, certify that true and correct copies of the Notice Of Dismissal Without Prejudice, was served on the attached service list by means of postage pre-paid first class mails through the U.S. mails system on this date:

Dated: June 7, 2005



Curtis V. Trinko

ELEVATORS NY

Service List - 6/6/2005 (04-0160)

Page 1 of 7

Counsel For Defendant(s)

Mark Leddy
Patricia M. McDermott
Cleary Gottlieb Steen & Hamilton LLP
2000 Pennsylvania Avenue, N.W.
9th Floor
Washington, DC 20006
202/974-1500
202/974-1999(Fax)

Anthony A. Dean
Terry Myers
Thomas R. Valen
Gibbons, Del Deo, Dolan, Griffinger & Vecchione
One Pennsylvania Plaza, 37th Floor
New York, NY 10019
212/649-4700
212/333-5980(Fax)

Jerome S. Fortinsky
Kenneth M. Kramer
Shearman & Sterling LLP
599 Lexington Avenue
New York, NY 10022-4676
212/848-4000
212/848-7179(Fax)

Michael E. Jaffee
Thelen, Reid & Priest, LLP
701 Pennsylvania Avenue, N.W.
Suite 800
Washington, DC 20004
202/508-4000
202/508-4321(Fax)

Deborah M. Buell
Cleary Gottlieb Steen & Hamilton LLP
One Liberty Plaza
New York, NY 10006
212/225-2000
212/225-3999(Fax)

Stewart M. Gisser
Associate General Counsel
Schindler Elevator Corporation (Legal
Department)
20 Whippany Road
Morristown, NJ 07960-1935
973/397-6580
973/397-6574(Fax)

Michael Connolly
Thelen, Reid & Priest, LLP
200 Campus Drive, Suite 210
Florham Park, NJ 07932
973/660-4400
973/660-4401(Fax)

Veronica Ellen Rendon
Thelen, Reid & Priest, LLP
875 Third Avenue, 10th Floor
New York, NY 10022
212/603-6748
212/603-2001(Fax)

ELEVATORS NY

Service List - 6/6/2005 (04-0160)

Page 2 of 7

Thyssenkrupp AG
Attn: Legal Department
Thyssenkrupp Elevator AG
August-Thyssen-Strassel, 40221
Dusseldorf, Germany,

Robert S. Berezin
Edward Soto
Weil, Gotshal & Manges LLP
1395 Brickell Avenue, 12th Floor
Miami, FL 33131
305/577-3215
305/577-3290(Fax)

Scott A. Martin
Christopher V. Roberts
A. Paul Victor
Weil, Gotshal & Manges LLP
767 Fifth Avenue
New York, NY 10153-0119
212/310-8000
212/310-8007(Fax)

Counsel For Plaintiff(s)

Daniel L. Rottinghaus
Jeffrey B. Cereghino
Steven R. Weinmann
Berding & Weil LLP
3240 Stone Valley Road West
Alamo, CA 94507
925/838-2090
925/820-5592(Fax)

Walter A. Twachtman, Jr.
John H. Grasso
Boatman, Boscarino, Grasso & Twachtman
628 Hebron Avenue, Building 3
Glastonbury, CT 06033
860/659-5657
860/657-4549(Fax)

James G. Stranch, III
C. Dewey Branstetter, Jr.
Branstetter, Kilgore, Stranch & Jennings
227 Second Avenue, North, 4th Floor
Nashville, TN 37201-1631
615/254-8801
615/255-5419(Fax)

Evan J. Smith
Brodsky & Smith, LLC
Two Bala Plaza, Suite 602
Bala Cynwyd, PA 19004
610/667-6200
610/667-9029(Fax)

ELEVATORS NY

Service List - 6/6/2005 (04-0160)

Page 3 of 7

Irwin B. Levin
Richard E. Shevitz
Scott D. Gilchrist
Cohen & Malad, LLP
One Indiana Square, Suite 1400
Indianapolis, IN 46204
317/636-6481
317/636-2593(Fax)

Nadeem Faruqi
Antonio Vozzolo
Beth A. Keller
Faruqi & Faruqi, LLP
320 East 39th Street, 3rd Floor
New York, NY 10016
212/983-9330
212/983-9331(Fax)

William P. Butterfield
Richard M. Volin
L. Kendall Satterfield
Finkelstein, Thompson & Loughran
1050 30th Street, N.W.
Washington, DC 20007
202/337-8000
202/337-8090(Fax)

Joseph Goldberg
Freedman Boyd Daniels Hollander & Goldberg,
P.A.
20 First Plaza, N.W., Suite 700
Albuquerque, NM 87102
505/842-9960
505/842-1925(Fax)

Robert J. Gralewski, Jr.
Gergosian & Gralewski LLP
550 West C Street, Suite 1600
San Diego, CA 92101
619/230-0104
619/230-0124(Fax)

Kent M. Williams
Giebel Gilbert Williams & Kohl, LLP
1300 Godward Street NE, Suite 6200
Minneapolis, MN 55413
651/633-9000
651/639-1551(Fax)

Kenneth G. Gilman
David H. Harris
Gilman And Pastor, L.L.P.
5150 North Tamiami Trail, Suite 602
Newgate Tower
Naples, FL 34103
239/213-9960
239/213-9946(Fax)

Bernard Persky
Hollis Salzman
Goodkind Labaton Rudoff & Sucharow LLP
100 Park Avenue, 12th Floor
New York, NY 10017-5563
212/907-0700
212/818-0477(Fax)

ELEVATORS NY

Service List - 6/6/2005 (04-0160)

Page 4 of 7

Daniel E. Gustafson
Renae D. Steiner
Gustafson Gluek PLLC
725 Northstar East
608 Second Avenue South
Minneapolis, MN 55402
612/333-8844
612/339-6622(Fax)

Marc H. Edelson
Hoffman & Edelson, LLC
45 W. Court Street
Doylestown, PA 18901
215/230-8043
215/230-8735(Fax)

Dennis Stewart
Hulett Harper Stewart, LLP
550 West C Street, Suite 1600
San Diego, CA 92101
619/338-1133
619/338-1139(Fax)

Bernard M. Gross
Warren Rubin
Tina Moukoulis
Law Offices Bernard M. Gross, P.C.
100 Penn Square East, Suite 450
Juniper and Market Streets
Philadelphia, PA 19107
215/561-3600
215/561-3000(Fax)

Christopher G. Hayes
David McLafferty
Law Offices of Christopher G. Hayes
115 East Chestnut Street, 2nd Floor
West Chester, PA 19380
610/431-9505

Curtis V. Trinko
Law Offices of Curtis V. Trinko LLP
16 West 46th Street, Seventh Floor
New York, NY 10036
212/490-9550
212/986-0158(Fax)

N. Nathan Neuman
Law Offices of N. Nathan Neuman
700 Lake Drive
Ambler, PA 19002
215/646-9520
215/646-9521(Fax)

Randy R. Renick
Law Offices of Randy R. Renick
128 North Fair Oaks Avenue, Suite 204
Pasadena, CA 91103
626/585-9608
626/577-7079(Fax)

ELEVATORS NY

Service List - 6/6/2005 (04-0160)

Page 5 of 7

Mark Solomon
Bonny E. Sweeney
William J. Doyle II
Lerach Coughlin Stoia Geller Rudman &
Robbins LLP
401 B Street, Suite 1600
San Diego, CA 92101-4297
619/231-1058
619/231-7423(Fax)

Richard A. Lockridge
W. Joseph Bruckner
Heidi M. Drewes-Siton
Lockridge Grindal Nauen P.L.L.P.
100 Washington Avenue South, Suite 2200
Minneapolis, MN 55401
612/339-6900
612/339-0981 (Fax)

Ann D. White
Jayne A. Goldstein
Mager White & Goldstein, LLP
165 Township Line Road, Suite 2400
Jenkintown, PA 19046
215/481-0273
215/481-0271 (Fax)

Seymour J. Mansfield
Aaron F. Biber
Jeremy L. Johnson
Mansfield, Janick & Cohen, P.A.
1700 Pillsbury Center South
220 South Sixth Street
Minneapolis, MN 55402
612/339-4295
612/339-3161 (Fax)

Joel C. Meredith
Steven J. Greenfogel
Meredith Cohen Greenfogel & Skirnick, P.C.
117 S. 17th St., 22nd Floor
Architects Building
Philadelphia, PA 19103
215/564-5182
215/569-0958(Fax)

Bryan L. Clobes
Ellen Meriwether
Michael S. Tarringer
Miller Faucher and Cafferty LLP
One Logan Square, Suite 1700
18th & Cherry Streets
Philadelphia, PA 19103
215/864-2800
215/864-2810(Fax)

Eric J. Belfi
Murray, Frank & Sailer LLP
275 Madison Avenue, Suite 801
New York, NY 10016
212/682-1818
212/682-1892(Fax)

Mark Reinhardt
Garrett D. Blanchfield, Jr.
Reinhardt Wendorf & Blanchfield
E-1250 First National Bank Bldg.
332 Minnesota Street
St. Paul, MN 55101
651/287-2100
651/287-2103(Fax)

ELEVATORS NY

Service List - 6/6/2005 (04-0160)

Page 6 of 7

Brian J. Robbins
Robbins Umeda & Fink, LLP
610 West Ash Street, Suite 1800
San Diego, CA 92101
619/525-3990
619/525-3991 (Fax)

Michael L. Roberts
Roberts Law Firm, P.A.
20 Rahling Circle, P.O. Box 241790
Little Rock, AR 72223-1790
501/821-5575
501/821-4474 (Fax)

Dianne M. Nast
Michael G. Nast
Roda & Nast, P.C.
801 Estelle Drive
Lancaster, PA 17601
717/892-3000
717/892-1200 (Fax)

James E. Rolshouse
Rolshouse & Associates, PLLC
12226 Nicollet Avenue
Burnsville, MN 55337
952/746-9022

Guido Saveri
R. Alexander Saveri
Saveri & Saveri, Inc.
111 Pine Street, Suite 1700
San Francisco, CA 94111-3600
415/217-6810
415/217-6813 (Fax)

Krishna Narine
Kendall S. Zylstra
Stephen E. Connolly
Schiffrin & Barroway, LLP
280 King of Prussia Road
Radnor, PA 19087
610/667-7706
610/667-7056 (Fax)

Edmund W. Searby III
Scott + Scott, LLC
33 River Street
Chagrin Falls, OH 44022
440/247-8200
440/247-8275 (Fax)

Gary K. Shipman
Shipman & Associates, LLP
11 South Fifth Avenue
Wilmington, NC 28401
910/762-1990
910/762-6572 (Fax)

ELEVATORS NY

Service List - 6/6/2005 (04-0160)

Page 7 of 7

Jeffrey H. Lowenthal
Steyer Lowenthal Boodrookas Alvarez & Smith
LLP
One California Street, 3rd Floor
San Francisco, CA 94111
415/421-3400
415/421-2234(Fax)

David W. Sufrin
Sufrin, Zucker, Steinberg & Wixted
519 Federal Street, Suite 503
Parkade Building
Camden, NJ 08103
856/365-0080
856/338-0217(Fax)

Kenneth A. Wexler
Edward A. Wallace
The Wexler Firm
One North LaSalle Street, Suite 2000
Chicago, IL 60602
312/346-2222
312/346-0022(Fax)

Joe R. Whatley, Jr.
Glenn M. Connor
Richard Rouco
Whatley Drake, LLC
2323 Second Ave., North
Birmingham, AL 35203
205/328-9576
205/328-9669(Fax)

Mary Jane Fait
Wolf Haldenstein Adler Freeman & Herz, LLC
55 West Monroe Street, Suite 1111
Chicago, IL 60603
312/984-0000
312/984-0001(Fax)

Fred T. Isquith
Mary Jane Fait
Wolf Haldenstein Adler Freeman & Herz, LLP
270 Madison Avenue
New York, NY 10016
212/545-4600
212/545-4653(Fax)

Lester L. Levy
Wolf Popper LLP
845 Third Avenue
New York, NY 10022
212/759-4600
212/486-2093(Fax)

Robert S. Schacter
Joseph Lipofsky
Zwerling, Schachter & Zwerling, LLP
41 Madison Avenue
New York, NY 10010
212/223-3900
212/371-5969(Fax)