

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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PEARSON EDUCATION, INC., ELSEVIER  
INC., BEDFORD, FREEMAN & WORTH  
PUBLISHING GROUP, LLC d/b/a  
MACMILLAN LEARNING, CENGAGE  
LEARNING, INC., and MCGRAW HILL LLC,

Plaintiffs,

-against-

SAURABH AGGARWAL, ASHOK  
KUMAR, AYUSH AGGARWAL,  
SHIKHA AGGARWAL, NATASHA  
AGGARWAL, SAVITA AGGARWAL,  
ABC PUBLISHERS & DISTRIBUTORS  
PVT. LTD., ABCPD INTERNATIONAL  
LTD., ACADEMICBOOKS INC.,  
ACUITY CORP., AEGIS TRADING  
CORP., AGGARWAL BOOK CENTRE,  
AGGARWAL OVERSEAS, ALLEGIS  
CORP., AMACO CORP., APEX  
TRADING CO., APPLEBEE'S CORP.,  
ASPYR CORP., ASPYR  
INTERNATIONAL LTD., BENNIGAN  
MEDIA CORP., BIRDWELL CORP.,  
BOOKMART, BOOKMOR CORP.,  
BOOKMAX CORPORATION,  
BOOKPORT CORP., BOOKREX CORP.,  
BOOKSNESENCE, BOWLMOR CORP.,  
BOYD BRANDS INC., BRUKER  
INTERNATIONAL CORP., COGNEVO  
MEDIA CORP., COLECO CORP.,  
COLUMBIA BOOK CORP.,  
CONNISSEUR TRADING INC., CONS  
MED DISTRIBUTORS CORP., CYNA  
TRADING, DENBURY CORP.,  
DESCRIBINGBOOKS INC., DIPPIN  
CORP., DYNERGY MEDIA INC., EBF  
CORP. LTD., ENCORE CORP. LTD.,  
ESTERLINE CORP., FANAKA  
TRADING INC., FLEXI TRADING  
CORP, FRASCA CORP., GOGREEN  
BOOKS CORP., GOODWILLBOOKS

<p>USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: <u>8/15/2022</u></p>
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17-CV-203 (KMW)

**MEMORANDUM OPINION**

INC., GRAN BOOKS INC., GRAYBAR CORP., HARPO CORP., HELIOSBOOKS INC., IN-LIGHT LIMITED, IVORY BOOKS CORP., KALITTA CORP., KROGER CORP., LIBERTY BOOKS, INC., LOVEFREIGHT LTD., MAGNA WORLD CORPORATION, MITTEL INC., NATWORLD Civil Action No. 17-cv-203-KMW Case 1:17-cv-00203-KMW Document 267 Filed 08/04/22 Page 1 of 3 2 CORP., NORTEL CORP., PLUS BROKERAGE INC., PROLIFIC TRADING INC., QUATTRO TRADING INC., REGENT INTERNATIONAL, RENNICS BOOKSHOP AFRICA LTD., SALVIA CORP., SASHA INTERNATIONAL, LLC, SIERRA BOOKWORLD LIMITED, SIGNA CORP., TRANSGLOBALBOOKS CORP., TURBOBOOKS CORP., UNIWORLDBOOKS INC., VARAHA CORP., VEDI BOOKS PVT. LTD., WHITE LEAF CORP., YOUBOOKWORLD INC., ZETTA CORP., and ZETTAWORLD CORP.,,

Defendants.

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KIMBA M. WOOD, United States District Judge:

WHEREAS on August 4, 2022, Plaintiffs filed a notice of voluntary dismissal, without prejudice, of their claims against Defendants Apex Trading Co., Bennigan Media Corp., Bookmart, Cognevo Media Corp., Connoisseur Trading Inc., Esterline Corp., Graybar Corp., Harpo Corp., InLight Limited, Kalitta Corp., Plus Brokerage Inc., Prolific Trading Inc., and Zettaworld Corp. (collectively, “Defendants”); and

WHEREAS Federal Rule of Civil Procedure 41(a)(1)(i) permits a plaintiff to file a notice of dismissal without order of court at any time before service by the defendants of an answer or motion for summary judgment; and

WHEREAS district courts within the Second Circuit have held, pursuant to *Wakefield v. Northern Telecom, Inc.*, 769 F.2d 109 (2d Cir. 1985), that Rule 41 allows a plaintiff to withdraw an action with regard to fewer than all defendants, *see Seidman v. Chobani, LLC*, No. 14-CV-4050, 2016 WL 1271066 (S.D.N.Y. Mar. 29, 2016) (Gardephe, J.); *Blaize-Sampeur v. McDowell*, No. 05-CV-4275, 2007 WL 1958909 (S.D.N.Y. Jun. 29, 2007) (Bianco, J.);

The Court hereby acknowledges that Plaintiffs' notice of voluntary dismissal is effective, without order of court, to dismiss without prejudice Plaintiffs' claims against Defendants.

Dated: New York, New York  
August 15, 2022

/s/ Kimba M. Wood

KIMBA M. WOOD  
United States District Judge