

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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PEARSON EDUCATION, INC., ET AL.,

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 10/11/2022

Plaintiffs,

-against-

SAURABH AGGARWAL, ET AL.,

Defendants.
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17-CV-203 (KMW)

MEMORANDUM OPINION

KIMBA M. WOOD, United States District Judge:

WHEREAS on October 5, 2022, Plaintiffs filed a notice of voluntary dismissal (ECF No. 292), without prejudice, of their claims against Defendants ABCPD International Ltd., Academicbooks Inc., Acuity Corp., Aegis Trading Corp., Aggarwal Overseas, Allegis Corp., Amaco Corp., Applebee's Corp., Aspyr Corp., Aspyr International Ltd., Birdwell Corp., Bookmax Corporation, Bookmor Corp., Bookrex Corp., Booksnesence, Bowlmor Corp., Boyd Brands Inc., Bruker International Corp., Coleco Corp., Columbia Book Corp., Cons Med Distributors Corp., Cyna Trading, Denbury Corp., Describingbooks Inc., Dippin Corp., Dynergy Media Inc., Encore Corp. Ltd., Fanaka Trading Inc., Flexi Trading Corp, Frasca Corp., GoGreen Books Corp., Goodwillbooks Inc., Gran Books Inc., Ivory Books Corp., Kroger Corp., Liberty Books, Inc., Magna World Corporation, Mittel Inc., Nortel Corp., Quattro Trading Inc., Rennics Bookshop Africa Ltd., Sasha International, LLC, Sierra Bookworld Limited, Signa Corp., Transglobalbooks Corp., Turbobooks Corp., Uniworldbooks Inc., Varaha Corp., YouBookWorld Inc., and Zetta 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.

In light of Plaintiffs' notice of voluntary dismissal and settlement with fifteen other defendants (*see* ECF No. 291), this action has now been resolved as to all named defendants. Accordingly, the Clerk is respectfully directed to close the case.

Dated: New York, New York
October 11, 2022

/s/ Kimba M. Wood
KIMBA M. WOOD
United States District Judge