

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

216 JAMAICA AVENUE, LLC,)	CASE NO. 1:06CV1288
)	
Plaintiff,)	JUDGE CHRISTOPHER A. BOYKO
)	
v.)	
)	
S & R PLAYHOUSE REALTY CO.,)	MOTION TO WITHDRAW
)	DEFENDANT'S MOTION TO DISMISS
Defendant.)	

Pursuant to a Case Management Conference among the parties and the Court today, Defendant S&R Playhouse Realty Co. ("S&R"), by and through counsel, respectfully moves the Court for leave to withdraw its motion to dismiss plaintiff 216 Avenue, LLC's Complaint for failure to state a claim upon which relief may be granted, filed August 11, 2006. S&R will refile its motion to dismiss, if any, pursuant to the Court's revised scheduling order.

Respectfully submitted,

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CERTIFICATE OF SERVICE

A copy of the foregoing *Motion to Withdraw Defendant's Motion to Dismiss Plaintiff's Complaint* was filed electronically this 15th day of August, 2006. Parties will receive notice through the Court's electronic filing system.

/s/ Gary L. Walters
One of the Attorneys for Defendant
S & R Playhouse Realty Co.