

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ACTUS, LLC,

Plaintiff,

v.

BANK OF AMERICA CORP., et al.

Defendants.

CIVIL ACTION NO. 2:09-cv-102-TJW

JURY TRIAL DEMANDED

NOTICE OF DISMISSAL

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), Plaintiff Actus, LLC hereby notifies the Court that it dismisses all claims and causes of action asserted against Defendant AgileCO in the above-entitled and numbered action.

Dated: August 4, 2009

Respectfully Submitted,

ACTUS, LLC

By: /s/ William E. "Bo" Davis, III

William E. "Bo" Davis III
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ACTUS, LLC

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic served were served with a true and correct copy of the foregoing by email, on this the 4th day of August, 2009.

/s/ William E. "Bo" Davis, III
William E. "Bo" Davis, III