

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Harrisonburg Division**

ROBERT L. PASCO,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 5:11cv00087-MFU
)	
HANK ZIMMERMAN, et al.,)	
)	
Defendant.)	

**PLAINTIFF’S NOTICE OF DISMISSAL WITHOUT PREJUDICE OF CERTAIN
CLAIMS AGAINST DEFENDANT ZIMMERMAN PURSUANT TO RULE 41(a)(1)(A)(i)**

The plaintiff Robert L. Pasco, by counsel, and pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, hereby gives notice of the voluntary dismissal, without prejudice, of the claims against Defendant Hank Zimmerman contained in Counts Two, Three, and Four of his Complaint only. The plaintiff certifies that no answer or motion for summary judgment has been filed in this case. Except for the claims in Counts Two, Three and Four insofar as they are asserted against Defendant Zimmerman only, this Notice shall have no effect on any other claims or Defendants in this case.

ROBERT L. PASCO
By: s/Timothy E. Cupp
 Timothy E. Cupp (VSB #23017)
 Cupp & Cupp, P.C.
 1951 Evelyn Byrd Avenue, Suite D
 Harrisonburg, Virginia 22801
 cupplaw@comcast.net
 (540)432-9988
 (540)432-9557 (facsimile)
Counsel for Plaintiff

CERTIFICATE

I hereby certify that on February 7, 2012, I electronically filed the foregoing Notice with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following counsel for Defendants:

Julia B. Judkins (VSB No. 22597)
jjudkins@bhmjlaw.com
Bancroft, McGavin, Horvath & Judkins, PC
3920 University Drive
Fairfax, Virginia 22030
(703) 385-1000
(703) 385-1555 (fax)
Counsel for Defendant Moore

Melisa G. Michelsen (VSB No. 40001)
J. Jay Litten (VSB No. 24567)
Litten & Sipe, LLP
410 Neff Avenue
Harrisonburg, Virginia 22801
(540) 434-5353
(540) 434-6069 (fax)
Counsel for Defendants Zimmerman, Board of Trustees and Library

s/Timothy E. Cupp