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**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

GUY MONTAG DOE, NATIONAL RIFLE ASSOCIATION OF AMERICA, INC., CITIZENS COMMITTEE FOR THE RIGHT TO KEEP AND BEAR ARMS,  Plaintiffs  vs.  JOHN STEWART COMPANY, AND DOES 1-10,  Defendants.	}	CASE NO. CV-08-03112 TEH  <b>NOTICE OF OR MOTION FOR VOLUNTARY DISMISSAL OF DEFENDANT MIRIAM SAEZ WITHOUT PREJUDICE</b>  Dept.: Courtroom 12- 19 <sup>th</sup> Floor
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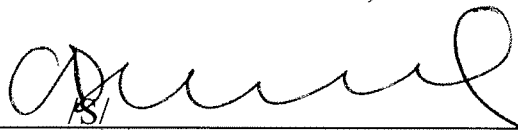
NOTICE IS HEREBY GIVEN that pursuant to Federal Rules of Civil Procedure Rule 41(a), Plaintiffs GUY MONTAG DOE, et al., voluntarily dismiss Defendant Miriam Saez from the above-captioned action without prejudice.

Miriam Saez inadvertently remained party to this suit despite the parties' intentions that she be dismissed as a defendant. Since Defendant Saez has not yet been served or filed an answer in this matter, it would appear this action can be taken simply by way of notice. To the extent court approval is required, plaintiffs respectfully request this be considered a motion for such approval.

1 Accordingly, plaintiffs now move to dismiss defendant Miriam Saez from the  
2 above-captioned action without prejudice.

3 Date: January 29, 2009

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