

APPROVED

By tpratt at 12:26 pm, Dec 20, 2013

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA**

MALIBU MEDIA, LLC,

Plaintiff,

v.

Civil Action No. 1:12-cv-01115-TWP-DML

KEVIN ETTER, NICHOLAS SHELTON,
AARON REYES, HO YEUNG, DAVID
WYATT, LEAH JUSTICE, LUCILLE
PHILLIPS and JOHN DOES 2, 3, and 5,

Defendant.

**PLAINTIFF'S NOTICE OF VOLUNTARY DISMISSAL
WITHOUT PREJUDICE OF LUCILLE PHILLIPS ONLY**

PLEASE TAKE NOTICE, Plaintiff hereby voluntarily dismisses Lucille Phillips ("Defendant") from this action without prejudice. Defendant was assigned the IP Address 69.245.169.19. After due search, careful inquiry and diligent attempts Plaintiff has been unable to serve Defendant. For the avoidance of doubt, Plaintiff is not voluntarily dismissing any other Defendant.

Pursuant to Fed.R.Civ.P. 41(a)(1)(A)(i) Defendant has neither answered Plaintiff's Complaint nor filed a motion for summary judgment.

Dated: December 18, 2013

Respectfully submitted,

By: /s/ Paul J. Nicoletti

Paul J. Nicoletti

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LAW OFFICE OF NICOLETTI &
ASSOCIATES, PLLC

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CERTIFICATE OF SERVICE

I hereby certify that on December 18, 2013, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system.

By: /s/ Paul J. Nicoletti
Paul J. Nicoletti