

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Pulte Homes, Inc., a Michigan corporation,

Plaintiff,

vs.

Civil Action No. 2:09-cv-13638

Laborers' International Union of North
America,
Terence M. O'Sullivan, an individual, and
Randy Mayhew, an individual,

Hon. Lawrence P. Zatkoff

Defendants.

PLAINTIFF'S NOTICE OF DISMISSAL

Plaintiff Pulte Homes, Inc. ("Pulte"), n/k/a PulteGroup, Inc., by and through its attorneys, Foley & Lardner LLP, and pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure and the required within notice, notifies the Court and Defendants that its remaining cause of action and First Amended Complaint against Defendants Laborers' International Union of North America, Terence M. O'Sullivan, an individual, and Randy Mayhew, an individual, is hereby dismissed without prejudice and without an award of costs or attorneys' fees to any party.

Federal Rules of Civil Procedure 41(a)(1)(A)(i) states that "the plaintiff may dismiss an action without a court order by filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." F.R.C.P. 41(a)(1)(A)(i); *see also Aamot v. Kassel*, 1 F.3d 441 (6th Cir. 1993). Defendants have not filed an answer nor a motion for summary judgment in this matter, thereby permitting the dismissal of this action pursuant to Rule 41(a)(1)(A)(i) without Court order.

FOLEY & LARDNER LLP

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By: /s/ Jennifer L. Neumann
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Dated: October 14, 2011

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of **PLAINTIFF'S NOTICE OF DISMISSAL** was filed electronically on October 14, 2011, with the Clerk of the Court using the ECF system. Notice of this filing will be sent to the parties listed below by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Jennifer L. Neumann

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