

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

-----X

In re Terrorist Attacks on September 11, 2001                      03 MDL 1570 (GBD)

-----X

This document relates to:

***Thomas E. Burnett, Sr., et al. vs. Al Baraka Investment & Development Corp., et al.***  
***03 CV 5738 (GBD)***

**NOTICE OF VOLUNTARY DISMISSAL**

The plaintiffs in the above-referenced action submit this Notice of Voluntary Dismissal of the complaint captioned *Thomas E. Burnett, Sr., et al. vs. Al Baraka Investment & Development Corp., et al.*; Case No. 03 CV 5738 (GBD), currently consolidated under MDL Docket No. 03-1570 (GBD) in the United States District Court for the Southern District of New York. *See* Hearing Transcript of June 26, 2007 at pgs 18 - 21; Docket # 2017, Order of August 2, 2007 at FN1.

As explained to the Court, the 03 CV 5738 complaint is inactive and was never served. *Id.* Conversely, the complaint and case number 03 CV 9849 captioned *Thomas E. Burnett Sr., et al. vs. Al Baraka Investment & Development Corp., et al.*; Case No. 03 CV 9849 (GBD), remains the current and active case. Case No. 03 CV 9849 is the original complaint in this action that was filed August 15, 2002 in the District of Columbia, it was served, and has been and continues to be the operative complaint (as amended and supplemented) for the *Burnett* Plaintiffs. Pursuant to F.R.C.P. 41, the plaintiffs in the above-referenced action, hereby voluntarily dismiss the complaint captioned *Thomas E. Burnett, Sr., et al. vs. Al Baraka Investment & Development Corp., et al.*; Case No. 03 CV 5738 (GBD). *Id.*

Wherefore, the Plaintiffs request that the Court order the 03 CV 5738 case dismissed.

Date: February 12, 2008

Respectfully submitted,

**MOTLEY RICE LLC**

/s/

---

Ronald L. Motley, Esq. (SC Bar #4123)  
Jodi Westbrook Flowers, Esq. (SC Bar #66300)  
Donald A. Migliori, Esq. (RI Bar #4936)  
Michael Elsner, Esq. (NY & VA Bar #ME-8337)  
Robert T. Haefele, Esq. (NJ-58293; PA-57937)  
MOTLEY RICE LLC  
28 Bridgeside Boulevard  
P.O. Box 1792  
Mt. Pleasant, SC 29645  
(843) 216-9000

Attorneys for Plaintiffs