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8 *Attorneys for Plaintiff,*  
9 *The Lions Club of Albany, California*

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13 **UNITED STATES DISTRICT COURT**  
14 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

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18 **THE LIONS CLUB OF ALBANY,**  
19 **CALIFORNIA, A Nonprofit Corporation,**

20 **Plaintiff,**

21 **v.**

22 **THE CITY OF ALBANY, a Charter City; and**  
23 **DOES 1 through 25;**

24 **Defendants.**

Case No. 3:22-cv-05377-WHA

**LIONS CLUB OF ALBANY'S RESPONSE  
TO THE COURT'S ORDER TO SHOW  
CAUSE.**

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26 1. On March 9, 2023, this Court issued an Order to Show Cause why Plaintiff's  
27 Complaint herein should not be dismissed by the Court.

28 2. In response to this Court's Order to Show Cause, Plaintiff has filed, concurrently  
with this Response, a Dismissal without prejudice of plaintiff's Complain herein, pursuant to  
Federal Rule of Civil procedure 41(a).

3. The Lions Club is the only plaintiff in this action, and no responsive pleading to the  
Lions Club's Complaint has been filed by defendant City.

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4. It is plaintiff's understanding it's filing of the Dismissal without prejudice terminates this case, no further action is necessary and the Order to Show Cause will be discharged.

Respectfully submitted,

March 14, 2023

/S/ Robert E. Nichols

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Robert E. Nichols

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**PROOF OF SERVICE**

I, ROBERT E. NICHOLS am a resident of the State of California, over the age of eighteen years and not a party to the within action. My business is 713 Key Route Blvd., Albany, California.

I served the following documents:

- **LIONS CLUB OF ALBANY’S RESPONSE TO THE COURT’S ORDER TO SHOW CAUSE.**

on SCOTT W. DITFURTH, ESQ, and ANDREW SAGHIAN, ESQ. attorneys for the City of Albany, pursuant to agreement with counsel, by electronically transmitting (emailing) an electronic copy of each document to: [scott.ditfurth@bbklaw.com](mailto:scott.ditfurth@bbklaw.com) and [Andrew.saghian@bbklaw.com](mailto:Andrew.saghian@bbklaw.com) on March 14, 2023.

I declare under the penalty of perjury under the laws of the State of California and the laws of the United States that the above is true and correct and that this declaration was executed on March 14, 2023, at Albany, California.

/S/ Robert E. Nichols

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Robert E. Nichols