

1 ROBERT E. NICHOLS (SBN 100028)
2 RICHARD W. COVERT (SBN 34582)
3 713 Key Route Blvd.
4 Albany, California 94706
5 Telephone: (510) 710-7033
6 renichols01@comcast.net

7
8 *Attorneys for Plaintiff,*
9 *The Lions Club of Albany, California*

10
11
12
13 **UNITED STATES DISTRICT COURT**
14 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

15
16
17
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

**NOTICE OF DISMISSAL WITHOUT
PREJUDICE PURSUANT TO FEDERAL
RULE OF CIVIL PROCEDURE 41(a)**

25
26
27
28 PLEASE TAKE NOTICE this action is dismissed **without prejudice** by Plaintiff, the
Lions Club of Albany, California, pursuant to Federal Rule of Civil Procedure 41(a) allowing the
dismissal of an action without a court order by filing this notice before the opposing party serves
either an answer or a motion for summary judgment.

Dated: March 14, 2023

/s/ Robert E. Nichols

Robert E. Nichols
Attorney for Plaintiff
Lions Club of Albany, California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 document:

- **NOTICE OF DISMISSAL WITHOUT PREJUDICE PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 41(a)**

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 and 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

Robert E. Nichols