

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RALPH R. RHODES,

Plaintiff,

v.

AMERICAN FEDERATION OF STATE,
COUNTY AND MUNICIPAL
EMPLOYEES, COUNCIL 13; and
DAVID R. FILLMAN, in his official
capacity as Executive Director of
American Federation of State, County
and Municipal Employees, Council
13,

Defendants.

Case No. 4:20-cv-01313-MWB

(Hon. Matthew W. Brann)

**PLAINTIFF'S NOTICE OF
VOLUNTARY DISMISSAL OF
ACTION**

--ELECTRONICALLY FILED--

TO THE HONORABLE COURT:

AND NOW, this 26th day of August, 2020, Plaintiff Ralph R. Rhodes files this Notice of Voluntary Dismissal of Action pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, and in support thereof respectfully states as follows:

1. Plaintiff filed this action on July 29, 2020, alleging two causes of action and seeking monetary relief against Defendants American Federation of State, County and Municipal Employees, Council 13 ("Council 13") and David R. Fillman, in his official capacity as executive director of Council 13.

2. Pursuant to Rule 41(a)(1)(A)(i), a Plaintiff may voluntarily dismiss an action against a defendant without a court order by filing a notice of dismissal before

the opposing party has served either an answer or a motion for summary judgment. No defendant has served either an answer or a motion for summary judgment in this action.

3. Therefore, given that subsequent to the filing of this action Council 13 refunded to Plaintiff the monetary damages he sought, with interest thereon, Plaintiff now voluntarily dismisses this action in its entirety by the filing of this Notice of Voluntary Dismissal of Action.

4. Accordingly, this Notice constitutes, without further order of the Court, the dismissal of the above-captioned action.

Respectfully submitted,

THE FAIRNESS CENTER

Dated: August 26, 2020

By: *s/ Nathan J. McGrath*

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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I, the undersigned, certify that on August 26, 2020, I electronically filed the foregoing with the Clerk of Court using the Court's CM/ECF system, which will send electronic notification of the filing to all counsel of record in this matter, who are ECF participants, and that constitutes service thereon pursuant to Local Rule 5.7.

s/ Nathan J. McGrath

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