UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

04-312

ALBERT L. GRAY, Administrator, et al.	)
Plaintiffs	)
vs.	)
JEFFREY DERDERIAN, et al.	)
Defendants	)

DEFENDANT HOWARD J. JULIAN'S MOTION TO DISMISS THIRD PARTY DEFENDANT HOME DEPOT U.S.A., INC. UNDER F.R.C.P. 41 (a)

Cross Plaintff Howard Julian hereby respectfully moves the Court to dismiss, without prejudice, Third Party Defendant Home Depot U.S.A., Inc. under Trial Rule 41 (a). In support of said Motion Cross Plaintiff Howard Julian asserts that there has been no answer or other responsive pleading from Third Party Defendant Home Depot Inc. and there has been no previous dismissal under F.R.C.P. 41(a).

Respectfully Submitted,

Howard J. Julian
570 Shermantown Road
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02874

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

ALBERT L. GRAY, Administrator, et al.	)
	)
Plaintiffs	)
	)
vs.	)
	)
JEFFREY DERDERIAN, et al.	)
	)
Defendants	)
	)

ORDER

Third Party Defendant Home Depot U.S.A., Inc. is hereby dismissed without prejudice under F.R.C.P. 41(a).

Honorable Ronald R. Lagueux
United States District Court
District of Rhode Island

CERTIFICATION

I hereby certify that on the 12th day of October 2004 a true copy of the within was mailed to:

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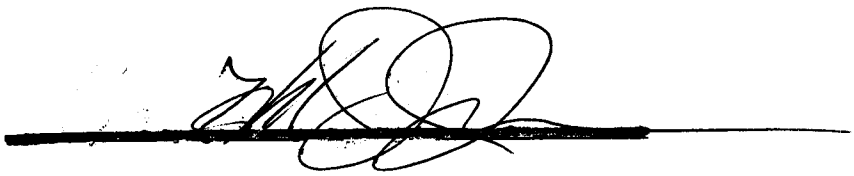
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