

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

MILLENNIUM TGA INC.,

No. 1:12-cv-00838-JMS-DML

Plaintiff,

Dismissal acknowledged.

JMS, DJ 12-4-12

v.

Judge: Hon. Jane E. Magnus-Stinson

JOHN DOE,

Magistrate: Hon. Debra McVicker Lynch

Defendant.

PLAINTIFF'S NOTICE OF DISMISSAL WITHOUT PREJUDICE

Plaintiff, pursuant to Federal Rule of Civil Procedure 41(a)(1), voluntarily dismisses, without prejudice, all claims brought in this action against the John Doe Defendant. The respective Defendant has filed neither an answer to the complaint nor a motion for summary judgment with respect to the same.

Plaintiff has been unable to identify the Defendant in this matter. As Plaintiff explained in its response to the Court's October 12, 2012 Order to Show Cause, Defendant's Internet Service Provider, Comcast Cable Communications, LLC ("Comcast") (the only entity that could provide Plaintiff with the Defendant's identity) had deleted the Defendant's identifying information in the normal course of business. (ECF No. 11.) Plaintiff worked with Comcast in order to possible find other ways to obtain this identifying information, but the information is simply unavailable. As a result, Plaintiff will be unable to identify the Defendant and proceed in this case. Therefore, dismissal under Rule 41(a)(1) is appropriate.

Respectfully submitted,

/s/ Matthew E. Dumas

Matthew E. Dumas, #24596-49

HOSTETTER & O'HARA

515 N Green Street, Suite 200

Brownsburg, IN 46112

Phone: (317) 852-2422

Fax: (317) 852-3748

E-mail: matt@hostetter-ohara.com

Attorney for Plaintiff