## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

FRANK TOSCANO, on behalf of himself and all others similarly situated,	) ) )
Plaintiff,	) CIV. No.: 3:13-cv-03124-MAS-DEA
vs.	)
KANGADIS FOOD INC. d/b/a THE GOURMET FACTORY,	) ) )
Defendant.	) )
	)

## NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE

Please take notice that, pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, Plaintiff Frank Toscano hereby voluntarily dismisses the above-captioned action without prejudice. In accordance with Rule 41(a)(1), this voluntary dismissal has been filed before Defendant has filed an answer or a motion for summary judgment.

Date: August 20, 2013 Respectfully submitted,

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## **CERTIFICATE OF SERVICE**

I hereby certify that on the 20th day on August 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send a Notice of Electronic Filing to all parties associated with the above-captioned action.

/s/ Rosalee B.C. Thomas