

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

REBECCA RUSH, individually, and on behalf of  
all others similarly situated,  
Plaintiff,

v.

ATHENA COSMETICS, INC.,  
Defendant

Case No. 23-cv-8799

**NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE**

Plaintiff, Rebecca Rush, pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, hereby gives notice of her voluntary dismissal of all of her claims asserted against all defendants in this action, without prejudice, in the above-referenced matter.

Specifically, Rule 41(a)(1)(A)(i) sets out that a plaintiff may voluntarily dismiss her claims without prejudice and without a court order by notice at any time prior to the defendant filing an answer or moving for summary judgment. Defendant has not filed an answer or motion for summary judgment. Thus, Plaintiff's request is permitted as of the filing of this Notice. In light thereof, Plaintiff asserts that voluntary dismissal by notice alone is appropriate under Rule 41(a)(1)(A)(i).

Dated: October 4, 2024

Respectfully Submitted,

/s/ David J. Stanoch

David J. Stanoch

For Plaintiff

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**CERTIFICATE OF SERVICE**

I hereby certify on this 4<sup>th</sup> day of October 2024, I caused a true and correct copy of the foregoing to be filed and served on counsel of record by operation of the court's CM/ECF system.

*/s/ David J. Stanoch* \_\_\_\_\_  
David J. Stanoch