

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

EUCLID OF VIRGINIA, INC.	:	
Plaintiff	:	
	:	
v.	:	Case No. 08-1088
	:	Judge J. Robertson, Jr.
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY	:	
Defendant	:	

NOTICE OF DISMISSAL OF CASE WITHOUT PREJUDICE

Comes now Plaintiff by undersigned legal counsel and notices dismissal of this case without prejudice, pursuant to Rule 41(a)(1)(A)(i) as the parties begun discussing the possibility of settlement in hopes of resolving the case. If the case is resolved, the litigation will not be necessary. No pleadings have been filed in this case, and no pleadings are required to have been filed prior to the date of the filing of this Notice.

Respectfully submitted,

/s/ Thomas F. DeCaro, Jr.
 Thomas F. DeCaro, Jr. #250290
 Attorney for Plaintiff
 14406 Old Mill Rd. #201
 Upper Marlboro, MD 20772
 301-464-1400 phone
 301-464-4776 fax
tfd@erols.com E-mail

CERTIFICATE OF SERVICE

I, Thomas F. DeCaro, Jr. do hereby certify that on October 21, 2008, I did mail, postage prepaid, a copy of the foregoing Notice of Dismissal Without Prejudice to:

United States Environmental Protection Agency
Correspondence Control Unit
Office of the General Counsel (2311)
1200 Pennsylvania Ave. NW
Washington, DC 20460

Attorney General of the United States
US Department of Justice
Room B-103
950 Pennsylvania Ave. NW
Washington, DC 20005-0001

/s/ Thomas F. DeCaro, Jr.
Thomas F. DeCaro, Jr.