

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

FEDERAL ELECTION COMMISSION,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No.: 3:09-CV-0444
	§	
JODY L. NOVACEK, REPUBLICAN	§	
VICTORY COMMITTEE, INC., <i>also</i>	§	
<i>known as</i> REPUBLICAN VICTORY	§	
2004 COMMITTEE, BPO, INC., and	§	
BPO ADVANTAGE, LP,	§	
	§	
Defendants	§	

**UNOPPOSED MOTION TO DISMISS COUNTERCLAIM WITHOUT
PREJUDICE PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE
41(a)(2)**

TO THE HONORABLE BARBARA M. G. LYNN, UNITED STATES DISTRICT
JUDGE:

Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, Jody L. Novacek, Republican Victory Committee, Inc., *Also Known As* Republican Victory 2004 Committee, Bpo, Inc., and Bpo Advantage, Lp, (“Defendants”) file this Unopposed Motion to Dismiss their Counterclaim without prejudice to reinstate and with no award of fees or costs, based on the following:

1. On March 9, 2009, the Federal Election Commission (“FEC”) filed a Complaint seeking declaratory, injunctive and other appropriate relief in the above-styled matter.
2. Defendants are representing themselves in this action *Pro Se*.
3. On November 2, 2009, Defendants filed a counterclaim against the FEC seeking declaratory, injunctive and other appropriate relief.

4. On November 30, 2009, the FEC filed a motion to dismiss Defendants' Counterclaims.

5. After further discussion expressing Defendants' desire to seek a voluntary dismissal of their Counterclaims without prejudice, Mr. Kevin Deeley of the FEC stated that they are unopposed to this request.

Accordingly, Defendant's request that their Counterclaims be dismissed without prejudice to refiling at a later date.

Respectfully submitted,

By: ./s/ Jody L. Novacek
Jody L. Novacek

CERTIFICATE OF CONFERENCE

I certify that on January 22, 2010, I conferred with Mr. Kevin Deeley of the FEC and he was not opposed to the foregoing request for voluntary dismissal without prejudice.

./s/ Jody L. Novacek .
Jody L. Novacek

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing instrument was delivered to counsel of record, Greg J. Mueller, Federal Election Commission in accordance with the Federal Rules of Civil Procedure via the CM/ECF system upon the filing hereof on this 28th day of January, 2010.

./s/ Jody L. Novacek .
Jody L. Novacek

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Defendants	§	

ORDER

Before the Court on this ____ day of _____, 2010, is Defendants' Motion to Dismiss their Counterclaims without Prejudice. Such request is unopposed by the FEC and has merit and the Court is therefore of the opinion that said motion should be GRANTED.

ACCORDINGLY, IT IS ORDERD that Defendants' Counterclaims are dismissed without prejudice to refiling at a later date and without an award of fees or costs.

SIGNED this ____ day of _____, 2010.

BARBARA M.G. LYNN
UNITED STATES DISTRICT JUDGE