

**UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA**

---

EXPLOROLOGIST LIMITED	)	
	)	
Plaintiff	)	<b>CIVIL ACTION</b>
v.	)	
	)	<b>No. 2:07-cv-01848-LP</b>
BRIAN SAPIENT	)	
aka BRIAN J. CUTLER	)	
Defendant	)	

---

***MOTION TO DISMISS***

The plaintiff, EXPLOROLOGIST LIMITED, by and through its attorneys, Richard Winelander, Alan L. Frank and Alan L. Frank Law Associates, P.C., pursuant to Federal Rule of Civil Procedure 41(a)(2), hereby moves this Honorable Court for leave to voluntarily dismiss the above captioned case. The grounds for this motion are as follows:

1. This morning, The Honorable Fait Angell, Ordered the Plaintiff produce a foreign witness in Philadelphia for a deposition. The Plaintiff can not comply with this Order and does not wish to be in violation of a Court Order. Therefore Plaintiff wishes to dismiss this action.
  
2. Plaintiff has sent Defendant a proposed Stipulation of Dismissal, but is not sure of what the Defendants intentions are. Therefore out of an abundance of caution Plaintiff files the instant motion so that this litigation can be terminated as expeditiously as possible.

Respectfully submitted,  
EXPLOROLOGIST LIMITED  
By and Through Counsel,

\_\_\_\_\_/s/\_\_\_\_\_  
Richard Winelander, Esquire  
1005 North Calvert Street  
Baltimore, MD 21202  
[rw@rightverdict.com](mailto:rw@rightverdict.com)  
410.576.7980  
Fax: 443.378.7503

and

By: \_\_\_\_\_/s/\_\_\_\_\_

Alan L. Frank Law Associates, P.C.

8380 Old York Road, Suite 410

Elkins Park, PA 19027

[afrank@alflaw.net](mailto:afrank@alflaw.net)

215.935.1000

Fax: 215.935.1110

**CERTIFICATE OF SERVICE**

I hereby certify that on this 15<sup>th</sup> day of February 2008, a copy of the foregoing Motion to Dismiss and a proposed Order was served electronically via the Courts electronic case filing system and by First Class U.S. Mail, postage prepaid to:

Samuel W. Silver, Esquire

Chad Cooper, Esquire

SCHNADER HARRISON SEGAL & LEWIS LLP

1600 Market Street, Suite 3600

Philadelphia, P A 19103-7286

Jason Schultz, Esquire

Marcia Hofmann, Esquire

Electronic Frontier Foundation

454 Shotwell Street

San Francisco, CA 94110

\_\_\_\_\_/s/\_\_\_\_\_

Richard Winelander

**UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA**

EXPLOROLOGIST LIMITED	)	
	)	
Plaintiff	)	<b>CIVIL ACTION</b>
v.	)	
	)	<b>No. 07-1848</b>
BRIAN SAPIENT	)	
aka BRIAN J. CUTLER	)	
	)	
Defendant	)	

**ORDER**

**AND NOW**, this \_\_\_\_\_ day of \_\_\_\_\_, 2008, upon consideration of the Plaintiff's Motion to Dismiss, and the opposition of the Defendant, if any, it is hereby **ORDERED** that the Motion is **GRANTED** and the above case is **DISMISSED**.

**BY THE COURT**

\_\_\_\_\_