

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

MARVIN GERBER AND KALMA KOENIG, on  
behalf of themselves and all others similarly situated,

Plaintiffs,

v.

THE FINANCIAL TRUST COMPANY, XYZ  
CORPORATION, ABC, INC., and JEFFREY E.  
EPSTEIN,

Defendants.

Index No. 1:18-CV-07580

**NOTICE OF VOLUNTARY  
DISMISSAL PURSUANT TO  
FED. R. CIV. P. 41(a)**

**PLEASE TAKE NOTICE**, that MARVIN GERBER AND KALMA KOENIG, on behalf of themselves and all others similarly situated, by and through their Counsel, hereby voluntarily dismiss the above-captioned action, *without prejudice*, pursuant to Rule 41(a) of the Federal Rules of Civil Procedure. The dismissal is without costs to any party and this notice may be filed with the Clerk of the Court without further notice.

Dated: New York, New York  
October 5, 2018

Respectfully submitted,

**HACH ROSE SCHIRRIPA & CHEVERIE LLP**

By: /s/ Hillary M. Nappi

Frank R. Schirripa

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*Attorneys for Plaintiffs and the Proposed Class*

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**CERTIFICATE OF SERVICE**

I, Hillary M. Nappi, Esq., Counsel for MARVIN GERBER AND KALMA KOENIG, on behalf of themselves and all others similarly situated, hereby certify that on October 5, 2018, I filed a true and correct copy of the foregoing with the Clerk of the Court for the United States District Court for the Southern District of New York via the Court's ECF/CM system, which automatically notifies all counsel of record in the above-captioned matter.

/s/ Hillary M. Nappi  
Hillary M. Nappi

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CONFIDENTIAL – PURSUANT TO FED. R. CRIM. P. 6(e)

**CONFIDENTIAL**

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