

1 Ronald S. Logar, Esq. (SBN: 00303)  
Eric A. Pulver, Esq. (SBN: 07874)  
2 LAW OFFICE OF LOGAR & PULVER, PC  
225 S. Arlington Avenue  
3 Suite A  
Reno, Nevada 89501  
4 Telephone: (775) 786-5040  
Facsimile: (775) 786-7544

5 Deborah A. Klar, Esq. (SBN: 124750)  
6 Teri T. Pham, Esq. (SBN: 193383)  
Ryan M. Lapine, Esq. (SBN: 239316)  
7 LINER YANKELEVITZ  
SUNSHINE & REGENSTREIF LLP  
8 1100 Glendon Avenue, 14th Floor  
Los Angeles, California 90024-3503  
9 Telephone: (310) 500-3500  
Facsimile: (310) 500-3501  
10 [ADMITTED PRO HAC VICE]

11 Attorneys for Defendants and Counterclaimants  
Dennis Montgomery, Brenda Montgomery, and the  
12 Montgomery Family Trust

13 **UNITED STATES DISTRICT COURT**  
14 **DISTRICT OF NEVADA**

16 FRIENDLY CAPITAL PARTNERS, L.P., a  
California Limited Partnership,

17 Plaintiff,

18 vs.

19 DENNIS MONTGOMERY, BRENDA  
20 MONTGOMERY, and the MONTGOMERY  
FAMILY TRUST, a California trust, and DOES  
21 1 through 10, individually,

22 Defendants.

23 \_\_\_\_\_  
24 AND RELATED CASES.  
25 \_\_\_\_\_

Case No. 3:07-CV-00250-ECR-VPC

**NOTICE OF VOLUNTARY DISMISSAL  
OF COUNTERDEFENDANT DOUGLAS  
J. FRYE WITHOUT PREJUDICE**

26 **NOTICE IS HEREBY GIVEN** that, pursuant to Federal Rules of Civil Procedure 41(a)  
27 and 41(c), counterclaimants Dennis Montgomery, Brenda Montgomery, and the Montgomery  
28

1 Family Trust voluntarily dismiss all counterclaims against counterdefendant Douglas Frye *without*  
2 *prejudice*.

3  
4 Dated: August 20, 2007

Respectfully submitted,

5 LINER YANKELEVITZ  
6 SUNSHINE & REGENSTREIF LLP

7 By:  \_\_\_\_\_

8 Teri T. Pham  
9 Attorneys for Defendants and  
10 Counterclaimants Dennis Montgomery,  
11 Brenda Montgomery and the Montgomery  
12 Family Trust  
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