

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

FILED

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U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

ROBERT JEAN, et al.)	CASE NO. 1:04 CV 1904
)	
Plaintiffs,)	JUDGE CHRISTOPHER A. BOYKO
)	
v.)	
)	
THE STANLEY WORKS, et al.)	UNOPPOSED MOTION TO
)	DISMISS KEYBANK
Defendants.)	NATIONAL ASSOCIATION
)	

Plaintiffs, Rob Love, Michael Godwin, Anthony Gavalyas, Bill Flaten, Bill Mitchell, Bill Steward, Blake Robinson, Brad Barnes, Brad Striff, Brad Trimble, Brian Butterfoss, Bryan Scahupp, Carrie Perry, Charles and Gabriel Padilla, individually and on behalf C&G Distributing Partnership, Charles McKinnie, Chris Shelton, Chuck Hook, Curtis Gayle McArthur, Curtis Robins, Dan Flanagan, Danny Deemer, Danny Windings, David McGill, David Piper, David Wecker individually and on behalf of Wecker Distributing, Inc., Don Goddard, Fidel (Pepe) Tallet, Franklin Thurman, Gary Cox, Gary Tuck, Gary Zuckerman, George Mayes, Greg Haig, Harlan Grantham, James Douglas Clemens, Jr., James Poehailos, James Skiff, James Stanek, Jerry Feld, Jerry Mead, John Clark, John Contursi, John Foran, John Johnson, Kelly Thompson, Ken Schmidt, Kent Hadley, Kevin Brack, Lance Reed, Lane Thomas, Larry Bowen, Mario Maccarone, Mark Powell, Mark Vincent, Michael B. Stansel, Mike Keller, Pat O'Connell, Perry Price, Phil Cagle, Ray Gandy, Ray Silver, Reuben Myers, Richard Chavez, Richard Hendricks, Rick Williams, Robert McElhaney, Robert Peltierre, Rusty Parker, Ryan Barnhart, Scott Carpenter, Scott Freeland, Scott Sunford, Sean Phillips, Shelli Franz, Stan Schwartz, Steve Hardaway, Terry Konsela, Thomas Michael Reeder, Tim Blackwell, Tim Hoefs, Tim Perry,

Timothy Sutter, Todd Clark, Todd Franz, Tracy Gunter, Vince Bainter, Walter Brzezcko, Wayne Valentine, William Peterson, Jason Olson, John Curtis, Joe Zolo, Charles Montoya, Victor Wenzel, Guilford Yates, David Hickox, Dale Glime, and Robert DeSpain, (hereinafter, collectively, "Individual Plaintiffs") and Robert Jean, Kenny Hankins, Glenn Perkinson, Michael Brown, and Curtis Freyermuth (hereinafter, collectively, "Class Representatives,") individually, and on behalf of all others similarly situated, hereby move this Court for an Order pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure dismissing Defendant KeyBank National Association, without prejudice, and not on the merits, with each side to bear its own costs.

As grounds therefore Plaintiffs state that although KeyBank National Association acquired American Express Business Finance Corporation, American Express Business Finance Corporation remains an independent entity.

Defendant American Express Business Finance Corporation does not oppose this motion.

For all of the foregoing reasons, it is requested that Defendant KeyBank National Association be DISMISSED without prejudice.

Respectfully submitted,

THE MAC TOOL LITIGATION GROUP

Andre' F. Toce, T.A.(#La. #16769, TX #00795900)
600 Jefferson Street, Suite 408
Post Office Box 2716
Lafayette, LA 70502-2716
Phone: (337) 233-6818
Fax: (337) 237-3649
E-mail: andre'@toce.com



Elwood C. Stevens, Jr. (La. Bar. #12459)
Post Office Box 2626
1205 Victor II Blvd.
Morgan City, LA 70381-2626
Telephone: (985) 384-8611
Fax: (985) 385-4861
E-mail: attyecs@aol.com

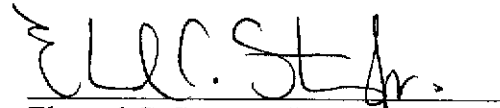
Joseph Arshawsky (NM Bar #679, CA #135891)
4404 Carrales Road
Corrales, NM 87048
Phone: (505) 792-8200
Fax: (505) 792-0088
E-mail: joe@arshawskylaw.com

W. B. Latta, Jr. (CA Bar #69786, ID #2000)
Attorney at Law
P. O. Box 2192
Boise, ID 83701-2192
Phone: (208) 344-9443
Fax: (208) 338-9256
E-mail: lattaslaw@msn.com

Lance Houghtling (OK Bar #13899)
4001 S. 4100 Road
Talala, OK 74080
Phone: (918) 275-4252
Fax: (918) 275-4731
E-mail: lehoughtling@totelcsi.com

CERTIFICATE OF SERVICE BY MAIL

I do hereby certify that a copy of the foregoing Unopposed Motion to Dismiss KeyBank National Association has been forwarded to all counsel of record via Federal Express, this the 10th day of February, 2005.


Elwood C. Stevens, Jr.