

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**IN RE ELECTRONIC BOOKS ANTITRUST
LITIGATION**) 11-md-02293 (DLC)
) ECF Case

This Document Relates to:

THE STATE OF TEXAS; et al.,)
)
) **Plaintiffs,**)
) **v.**) Civil Action No. 12-cv-03394 (DLC)
) **PENGUIN GROUP (USA) INC.;**)
) **Defendants.**)
)
)
)

**PLAINTIFF STATES' MOTION TO VOLUNTARILY DISMISS CERTAIN STATE
LAW CLAIMS**

Pursuant to Federal Rule of Civil Procedure 41(a)(2) and in accordance with the Court's suggestion at the May 23, 2013 Final Pretrial Conference, Plaintiff States hereby move the Court to dismiss the following state law claims:

- 1) Claims asserted under the common law of the following states: Alaska, Arkansas, Colorado, Nebraska, Ohio, Tennessee, and Utah;
- 2) Arkansas's claims under the Arkansas Unfair Trade Practices Act, Ark. Code Ann. § 4-75-201 *et seq.* and the Arkansas Deceptive Trade Practices Act, Ark. Code Ann. § 4-88-101 *et seq.*;
- 3) Kansas's claims under the Kansas Restraint of Trade Act, KAN. STAT. ANN. § 50-101 *et seq.*;

4) Missouri's claims under the Missouri Merchandising Practices Act, MO. REV. STAT. § 407.010 *et seq.*;

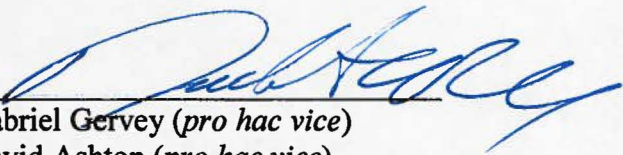
5) Nebraska's claims under the Nebraska Uniform Deceptive Trade Practices Act, NEB. REV. STAT. § 87-301 *et seq.*;

6) New Mexico's claims under the New Mexico Unfair Trade Practices Act, N.M. Stat. Ann. § 57-12-2 *et seq.*;

7) Puerto Rico's claims under Puerto Rico's Antitrust and Restrictions of Commerce Law, 10 P.R. LAWS ANN. tit. 10, §259, and Puerto Rico's Regulations Nos. 2648 of May 29, 1980 and 7932 of October 15, 2010.

Dated: May 28, 2013

Respectfully Submitted,

By: 

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On Behalf of the Plaintiff States