

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

HART INTERCIVIC, INC.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	C.A. No. 09-cv-678-RBK
	:	
DEIBOLD, INCORPORATED and	:	JURY TRIAL DEMANDED
ELECTION SYSTEMS & SOFTWARE, INC.,	:	
	:	
Defendants.	:	

**PLAINTIFF HART INTERCIVIC, INC.'S
NOTICE OF DISMISSAL OF DEFENDANT DIEBOLD INCORPORATED**

PLEASE TAKE NOTICE that, pursuant to Rule 41(a)(1)(i) of the Federal Rules of Civil Procedure, Plaintiff Hart Intercivic, Inc. hereby dismisses Defendant Diebold, Incorporated from the above referenced action without prejudice.

PROCTOR HEYMAN LLP

/s/ Patricia L. Enerio

 Kurt M. Heyman (# 3054)
 E-mail: kheyman@proctorheyman.com
 Patricia L. Enerio (# 3728)
 E-mail: penerio@proctorheyman.com
 Dominick T. Gattuso (# 3630)
 E-mail: dgattuso@proctorheyman.com
 1116 N. West Street
 Wilmington, DE 19801
 (302) 472-7300
 Attorneys for Plaintiff

OF COUNSEL:

WILSON SONSINI GOODRICH & ROSATI

650 Page Mill Road
Palo Alto, CA 94304
(650) 493-9300

1700 K Street, NW
Fifth Floor
Washington, D.C. 20006-3817
(202) 973-8800

Dated: January 29, 2010