

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
CASE NO. 08-1002
SECTION B MAG. 2

WILLIE GARY, et al.	:	
Plaintiffs	:	
vs.	:	<u>RULE 41 DISMISSAL</u>
NEW ENGLAND PATRIOTS, ET AL.	:	
Defendants	:	

Comes now, Plaintiffs, by and through counsel, and pursuant to Federal Rule of Procedure 41, files this Rule 41 Dismissal without prejudice with leave to refile.

Plaintiffs filed this action in part on the basis of the public reports that the St. Louis Rams walk through the day before the 2002 Super Bowl was videotaped by the New England Patriots. These reports included Matt Walsh's own public comments. These allegations came to light on February 2, 2008, the day before the 2008 Super Bowl. Bill Belichick did not publicly deny the allegations after the Super Bowl.

This lawsuit was filed on February 15, 2008. The intention was to secure Matt Walsh's deposition by subpoena. In fact, the documents have been prepared to do so.

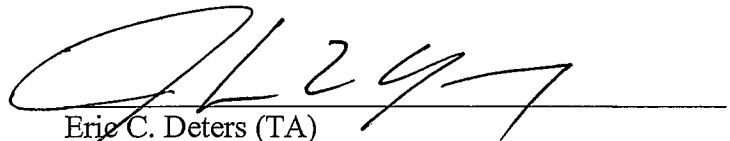
However, three days after the lawsuit was filed, on February 18, 2008, Bill Belichick publicly denied the allegations. In addition, the Patriots publicized that Matt Walsh was fired for taping conversations.

Matt Walsh's counsel has been involved in discussions with the NFL which Plaintiffs and their counsel are not privy to. However, based upon their personal knowledge and belief,

counsel for the Plaintiffs believes Matt Walsh will plead the Fifth Amendment if deposed at this time. Therefore, at this time, the exercise of securing by subpoena Matt Walsh's testimony, will be an exercise in futility.

Therefore, Plaintiffs file this dismissal without prejudice with leave to refile if and when there is additional information made available pertaining to Matt Walsh's knowledge of the events through a potential meeting with the NFL or Senator Arlen Specter.

Respectfully submitted,



Eric C. Deters (TA)
5247 Madison Pike
Independence, Kentucky 41051
(859) 363-1900 - telephone
(859) 363-1444 - facsimile
Co-Counsel For Plaintiffs

and

Hugh K. Campbell, Jr.
2011 Madison Road
Cincinnati, Ohio 45202
(513) 762-5126 - telephone
(513) 762-5125 - facsimile
Co-Counsel for Plaintiffs

and

John L. Young (LA#2199)
915 St. Louis Street
New Orleans, LA 70112
(504) 581-2200 - telephone
(504) 581-5100 - facsimile
Local Counsel For Plaintiffs