

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	Civil No.: 1:98CV01193 (JLG)
	)	
v.	)	
	)	Filed: June 29, 1998
PRIMESTAR, INC., et al.,	)	
	)	
Defendants	)	
	)	
	)	

PLAINTIFF’S NOTICE OF DISMISSAL AS TO GE AMERICOM, INC.

Plaintiff United States of America, pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, hereby dismisses all causes of action in the complaint as to GE Americom, Inc. (“GE Americom”) without prejudice. GE Americom has filed neither an answer to the complaint nor a motion for summary judgment as to these claims, and no proceedings or discovery have been undertaken as to these claims.

The government named GE Americom as a defendant to Count One (Clayton Act § 7) and Count Three (Sherman Act § 1) in recognition of the rule concerning the compulsory joinder of a party “that claims an interest relating to the subject of the action and is so situated that the disposition of the action in the person’s absence may . . . as a practical matter impair or impede the person’s ability to protect that interest.” Fed. R. Civ. P. 19(a)(2)(i). As an original signatory to the Asset Acquisition Agreement challenged in this action, defendant GE had such an interest and the government presumed that they would seek to protect that interest by participating in these proceedings. GE Americom has now irrevocably denied any intention of participating in

this action to protect this interest (*See Motion Of Defendant GE American Communications, Inc. To Dismiss The Complaint As To It For Failure To State A Claim*, filed June 17, 1998), and GE Americom's presence in the action is not necessary in order for the Court to afford complete relief on the claims in the complaint. In filing this motion for voluntary dismissal as to GE, plaintiff does not concede the validity of any of GE's arguments concerning the legal sufficiency of the allegations of the complaint.

Respectfully submitted,

FOR PLAINTIFF UNITED STATES:

/s/
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DATED: June 29, 1998

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing PLAINTIFF'S NOTICE OF DISMISSAL AS TO GE AMERICOM, INC. were served by hand and/or first-class U.S. mail, postage prepaid, this 29th day of June, 1998 upon each of the parties listed below:

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