

IN THE IOWA DISTRICT COURT IN AND FOR LEE COUNTY  
AT FORT MADISON

BRIAN and TONI HAMMOND,  
GEORGE and NADINE HESS,  
DON and DONNA GERBELING.

Individually and on behalf of all  
other persons similarly situated,

No. LALA004645

Plaintiffs,

vs.

NORTHEAST NATIONAL BANK;  
NORTHWEST NATIONAL BANK OF ARLINGTON;  
FLORIDA ASSET FINANCING;  
FIRST FAMILY FINANCIAL SERVICES;  
CAVALRY INVESTMENTS LLC, f/k/a ZIRMAK INVESTMENTS LP

Defendants.

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**MOTION FOR APPROVAL TO VOLUNTARILY DISMISS DEFENDANT  
FIRST FAMILY FINANCIAL SERVICES**

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COME NOW, the Plaintiffs, by and through their attorney, Douglas H. Napier, and pursuant to I.R.C.P. 1.271(1)(a) move the Court for approval to voluntarily dismiss without prejudice First Family Financial Services, and in support of said motion state as follows:

1. The above captioned matter is brought as a class action under Rules of Civil Procedure 1.261 et. seq. and includes claims against Defendant First Family Financial Services.
2. The Defendant has filed a motion to dismiss for lack of personal jurisdiction.
3. Plaintiffs have conducted substantial discovery on the issue of jurisdiction and Defendant First Family Financial Services has provided Plaintiffs with sufficient information which the Plaintiffs' counsel believes is sufficient to support this motion.
4. Based on the sworn representations made in the discovery responses, plaintiffs believe that Defendant First Family Financial Services should be dismissed without prejudice from the above captioned case.

5. The effect of this dismissal on the class of members shall be minimal as the likelihood of recovery from the defendant in Iowa is extremely remote. This dismissal should not effect the class members rights to recover on their claims against other remaining defendants or to pursue these same claims against First Family Financial in other forums.
6. Plaintiff proposes to post notice of this Motion on the website of the National Association of Members ([www.natlassoc.com](http://www.natlassoc.com)) for a period of not less than 20 days.

WHEREFORE, Plaintiffs request approval to dismiss First Family Financial Services without prejudice from the above captioned matter, after notice to the class, and for such other and further relief as the court deems just.

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Napier, Wolf & Napier  
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ATTORNEYS FOR PLAINTIFFS

PROOF OF SERVICE

The undersigned certifies that the foregoing document was served upon all parties to the above case on the \_\_\_\_ day of November, 2003, by depositing a copy thereof in the U.S. Mail, postage prepaid, in envelopes addressed to each of the attorneys of record herein at their respective addresses as disclosed below:

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Attorney for First Family Financial Services

By: \_\_\_\_\_

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**ORDER PRESCRIBING NOTICE AND CONDITIONALLY  
GRANTING MOTION TO DISMISS**

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NOW on this \_\_\_\_\_ day of \_\_\_\_\_, 2003, the Court having been presented with Plaintiffs' Motion for Approval to Voluntarily Dismiss First Family Financial Services without prejudice from the above captioned matter, finds that good cause exists to grant such motion.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Plaintiffs may dismiss First Family Financial Services from this action without prejudice upon filing an affidavit of notice showing that notice has been given to the members of the class by posting the same on the National Association of Members website ([www.natlassoc.com](http://www.natlassoc.com)) for a period of not less than 20 days.

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Judge Cynthia H. Danielson,  
Eighth Judicial District of Iowa

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**DISMISSAL WITHOUT PREJUDICE AGAINST  
FIRST FAMILY FINANCIAL SERVICES**

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COME NOW the Plaintiffs, by and through their attorney, Douglas H. Napier of Napier, Wolf & Napier, and hereby dismisses without prejudice the above cause of action against First Family Financial Services.

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