

defendant Jones and Petrofsky, both defendants are currently engaged in distribution of copyrighted materials and criminal copyright infringement with regard to some of their posted materials. The State of California, Yahoo, the States of Washington, Oregon, and Florida have all received criminal complaints and are investigating these incidents. I have very much appreciated the Courts patience in this matter. Yahoo, Inc. and the SCOX message board which was the source of a large portion of this on-line harassment is taking severe actions regarding these matters and this situation appears it will soon have an end. As I am a computer scientist, I would rather focus my time on pursuits other than litigation.

It is also asserted, based upon information and belief, that the EFF and several of its employees may have been involved in some of this on-line stalking. These matters are better addressed by Law Enforcement at this point.

As such, I dismiss all defendants from this action without prejudice and I sincerely thank the Court for it's graciousness, professionalism, and diligence in assisting me in this matter. With regard to the Issues pertaining to Novell and myself, these matters are still the subject of an active case in State Court for which the 4th Judicial District Court has retained Jurisdiction. Those matters which deal to or relate to the matters brought in State Court will be addressed there should the need arise.

With deep respect and gratitude to the Court.

DATED this 20 day of September, 2005.

A handwritten signature in black ink, appearing to read 'J. Merkey', written over a horizontal line.

JEFFREY VERNON MERKEY, Plaintiff

CERIFICATE OF SERVICE/MAILING

I certify that a true and correct copy of JEFFREY VERNON
MERKEY'S FINAL NOTICE OF DISMISSAL in the styled action of
2:05CV521DAK filed in the US District Court, District of Utah,
Central Division was mailed to all Parties or delivered by hand
or Faxed to:

Alan P. Petrofsky
3618 Alameda
Apt 5
Menlo Park, CA 94025

Margaret Plane
355 North 300 West
Salt Lake City, UT 84103

Kurt Opsahl
Matt Zimmerman
Corynne McSherry
454 Shotwell Street
San Francisco, CA 94110



JEFFREY VERNON MERKEY Plaintiff

9/20/05