



Dilworth  
Paxson<sup>llc</sup>

DIRECT DIAL NUMBER:  
(215) 575-7158

Thomas Vecchio  
tvecchio@dilworthlaw.com

June 18, 2010

Honorable Joseph H. Rodriguez U. S. D. J.  
U.S. District Court, District of New Jersey  
1 John F. Gerry Plaza  
P. O. Box 886  
Camden, NJ 08101

Re: Allen v. Families Thru International Adoption, Inc., et al.  
Civil No. 08-4614

Dear Judge Rodriguez:

We as counsel for Plaintiff have received the Court's recent Show Cause Order, as to the question of the Court's subject matter jurisdiction. Plaintiff's Amendment of the Complaint does create a situation of incomplete diversity, depriving the Court of subject matter jurisdiction. 28 U.S.C. §1332.

As the Court is aware, it has been Plaintiff's intent to pursue the claims outlined in the Amended Complaint in an alternative forum. Accordingly, Plaintiff does not oppose (and consents to) dismissal without prejudice on grounds of lack of subject matter jurisdiction. See, e.g., *Poly Trucking, Inc. v. DHL Exp. (USA), Inc.*, Civ. Act. No. 06-0278, 2007 WL 2815845 (W.D. La. Aug. 28, 2007) (court correctly dismissed without prejudice when (1) direct claims were added in an amended complaint, as to a nondiverse party; (2) trial court issued show cause order as to potential dismissal on grounds of subject matter jurisdiction; and (3) plaintiff did not oppose dismissal).

Respectfully,

Thomas Vecchio

TV:gmc

cc: Ms. Jeannene Smith  
Alan J. Baratz, Esq.  
Donald C. Cofsky, Esq.

It is so ORDERED:

  
Hon. Joseph H. Rodriguez, U.S.D.J.

June 22, 2010