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

TONY ROSS,
BRIAN and TONI HAMMOND,
GEORGE and NADINE HESS,
DON and DONNA GERBELING,
Individually and on behalf of all
other persons similarly situated,

Plaintiffs,

Law No. LALA003946

vs.

THOUSAND ADVENTURES OF IOWA, INC.,
and THOUSAND ADVENTURES, INC.
and

1. ALLSTATE FINANCIAL, INC.; (n/k/a Harbourton Financial Corporation)
2. TRAVEL AMERICA, INC.;
3. WESTERN AMERICAN BANK, N.A.; (n/k/a First National Bank of the Mid-Cities)
4. LIBERTY BANK;
5. 900 CAPITAL;
6. TRAVELERS ACCEPTANCE CORP.;
7. GEICO FINANCIAL SERVICES, INC.

Defendants.

**MOTION FOR APPROVAL TO VOLUNTARILY DISMISS DEFENDANT
GEICO FINANCIAL SERVICES, INC.**

COME NOW, the Plaintiffs, by and through their attorney, William H. Napier, and pursuant to I.R.C.P. 1.271(1)(a) move the Court for approval to voluntarily dismiss without prejudice Geico Financial Services, Inc., 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 Geico Financial Services, Inc.
2. The Defendant has filed a motion to dismiss for lack of personal jurisdiction which is scheduled for hearing at 9:00 a.m. on March 30, 2004.

3. Plaintiffs have conducted discovery on the issue of jurisdiction and Defendant Geico Financial Services, Inc. has provided Plaintiffs with various information which the Plaintiffs' counsel believes provides Plaintiffs with a more favorable venue elsewhere.
4. Based on the sworn representations made in the discovery responses, Plaintiffs believe that Defendant Geico Financial Services, Inc. should be dismissed without prejudice from the above captioned case so that this case may be brought in a different venue.
5. The effect of this dismissal on the class of members shall be minimal as their rights are preserved and they can pursue this case elsewhere. This dismissal should not effect the class members rights to recover on their claims against other remaining defendants.
6. Plaintiff proposes to post notice of this Motion on the website of the National Association of Members (www.natlassoc.com) for a period of not less than 30 days to give members an opportunity to object to this dismissal.
7. Any class member who objects to dismissal shall be given an opportunity to be heard.
8. Counsel for Geico does not object to this dismissal and has consented to a continuance of the hearing on Geico's Motion to Dismiss pending notice and ruling on this motion.

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

William H. Napier, ISBA #3954
Napier, Wolf & Napier
607 Eighth Street, Suite One
Fort Madison, IA 52627
(319)372-2934 phone
(319)372-6764 fax

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 _____, 2004, 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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Honorable Cynthia H. Danielson
Henry County Courthouse
P. O. Box 176
Mt. Pleasant, IA 52641

By: _____
Napier, Wolf & Napier
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7. GEICO FINANCIAL SERVICES, INC.

Defendants.

**ORDER PRESCRIBING NOTICE AND CONDITIONALLY
GRANTING MOTION TO VOLUNTARILY DISMISS
GEICO FINANCIAL SERVICES, INC. & CONTINUING HEARING ON
GEICO'S MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION**

NOW on this _____ day of _____, 2004, the Court having been presented with Plaintiffs' Motion for Approval to Voluntarily Dismiss Geico Financial Services, Inc. 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 Geico Financial Services, Inc. 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) for a period of not less than 30 days. Any party objecting to dismissal shall file a written objection with this court no more than 45 days from the date notice is posted. If there are any objections filed, this matter shall be set for hearing and objectors will be given an opportunity to be heard.

Judge Cynthia H. Danielson,
Eighth Judicial District of Iowa

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Defendants.

**DISMISSAL WITHOUT PREJUDICE AGAINST
GEICO FINANCIAL SERVICES, INC.**

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

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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 _____, 2004, 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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