

STATE OF INDIANA)
) SS:
COUNTY OF WARRICK)

IN THE WARRICK SUPERIOR COURT NO. 2

RANDALL WHITEHOUSE and)
DAVID MOSBY)
)
vs) CAUSE NO. 87D02-1104-PL-00484
)
VANDERBURGH COUNTY ELECTION)
BOARD and ALFRED M. LINDSEY)

NOTICE OF WITHDRAWAL OF NOTICE OF APPEAL

Comes now Plaintiffs, by counsel Robert R. Faulkner, and respectfully give notice of withdrawal of the Notice of Appeal filed herein on October 19, 2011. In support thereof Plaintiffs would state that, as of the deadline for filing of Plaintiffs' Notice of Appeal, Plaintiffs had not yet made the determination as to whether to appeal the Court's Judgment of September 19, 2011 and thus they filed their Notice of Appeal to preserve their right to appeal in the event they determined to do so.

Respectfully submitted:


Robert R. Faulkner, #18625-82
400 Court Street
P.O. Box 4208
Evansville, IN 47724
Telephone: (812) 464-3966

CERTIFICATE OF SERVICE

The undersigned attorney certifies that he has on the 26th day of October, 2011, served a true and correct copy of this pleading on each party in this cause, whether pro se or by attorney by First Class mail addressed to the following:

Leslie C. Shively
Shively & Associates
P.O. Box 5717
Evansville, IN 47716

Douglas Briody
839 Stahl Ct.
Evansville, IN 47715-7166

I hereby certify that the foregoing document complies with the requirements of Trial Rule 5(G) with regard to information excluded from the public record under Admin. Rule 9 (G).


Robert R. Faulkner



Law Office Of
Robert R. Faulkner
400 Court Street
P.O. Box 4208
Evansville, Indiana 47724
Telephone: (812) 464-3966
Fax: (812) 464-3968



October 26, 2011

Sarah Topper
Warrick County Clerk
200 Judicial Center
One County Square
Boonville, IN 47601

Re: Whitehouse et. al. v. Alfred Lindsey et. al.; Cause No. 87D02-1104-PL-00484

Dear Clerk Topper:

Enclosed please find for filing in the above-referenced matter pursuant to the provisions of the Indiana Rules of Trial Procedure, by Regular Mail, the original and one copy of each of the following:

Notice of Withdrawal of Notice of Appeal

We kindly ask that you return to our attention in the self-addressed, stamped envelope enclosed herein one file-marked copy of the above. Please be advised that a copy of the enclosed has been served upon all counsel of record. Your cooperation and consideration in these regards are greatly appreciated by this writer.

Very truly yours,

Robert R. Faulkner

Enclosures

cc: clients, Counsel of Record