

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:	:	
EARTH FARE, INC.	:	
	:	Chapter 11
	:	Case No. 20-10256-KBO
Debtor.	:	
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SRS REAL ESTATE	:	
PARTNERS-SOUTHEAST, LLC	:	
	:	
Plaintiff,	:	Adversary Proceeding No.: 20-50593-KBO
v.	:	
	:	
EARTH FARE, INC.,	:	
	:	
Defendant.	:	
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**SRS REAL ESTATE PARTNERS-SOUTHEAST, LLC’S NOTICE OF DISMISSAL OF
ADVERSARY COMPLAINT WITHOUT PREJUDICE**

COMES NOW, SRS Real Estate Partners-Southeast, LLC (“SRS”) and pursuant to Federal Rule of Civil Procedures 41(a)(1), as made applicable to this matter by Federal Rule of Bankruptcy Procedure 7041, hereby dismiss without prejudice the complaint in Adversary Proceeding No. 20-50593-KBO as to Defendant Earth Fare, Inc.

Plaintiff files this Notice of Dismissal Without Prejudice before the opposing party served an answer or a motion for summary judgment.

Dated: May 15, 2020.

[SIGNATURES ON FOLLOWING PAGE]

Respectfully submitted,

FRANKLIN & PROKOPIK

/s/ **Michael P. Torrice**

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Attorney for Plaintiff

WEENER & NATHAN, LLP

/s/ **Devin B. Phillips**

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of SRS Real Estate Partners-Southeast, LLC Notice of Dismissal of Adversary Complaint Without Prejudice has been furnished by electronic mail and/or by U.S. First Class postage prepaid mail to:

Young Conaway Stargatt & Taylor, LLP
Attn: M. Blake Cleary, Esq.
Attn: Shane Reil, Esq.
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Counsel for the Debtor

Office of the U.S. Trustee
Attn: Jane M. Leamy
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Wilmington, Delaware 19801
Jane.m.leafy@usdoj.gov
Counsel for Trustee

This 11th day of May, 2020.

/s/ Michael P. Torrice
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