

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION
www.flsb.uscourts.gov

In re:
TOUSA, INC., *et al.*,

Debtors.

OFFICIAL COMMITTEE OF UNSECURED
CREDITORS OF TOUSA, INC., *ET AL.*,

Plaintiff

vs.

TENNENBAUM MULTI-STRATEGY
MASTER FUND, TENNENBAUM
CAPITAL SPC, MARATHON FINANCING I,
B.V., , ESPERANCE C/O SCOTIABANK
(IRELAND) LIMITED; FORTRESS CREDIT
INVESTMENTS I LTD.; FORTRESS CREDIT
INVESTMENTS II LTD.; GOLDMAN SACHS
LENDING PARTNERS LLC CMTGLQ
INVESTORS, L.P. DBA FKA SSIG SPF ONE LQ
L.L.C.;and FALL CREEK CLO Ltd.

Defendants.

Chapter 11 Cases

Case No. 08-10928-JKO

Jointly Administered

Adversary No. 10-02242-JKO

**NOTICE OF VOLUNTARY DISMISSAL WITH PREJUDICE AS TO
DEFENDANT MARATHON FINANCING I, B.V. ONLY**

PLEASE TAKE NOTICE that, pursuant to Fed. R. Bankr. P. 7041 and Fed. R. Civ. P. 41(a)(1)(A)(i), the Official Committee of Unsecured Creditors of TOUSA, Inc. voluntarily dismisses, with prejudice and without costs, Defendant Marathon Financing I, B.V. *only*. This action remains pending as to all other defendants.

Dated: February 25, 2010

**STEARNS WEAVER MILLER WEISSLER
ALHADEFF & SITTERSON, P.A.**

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- and -

I HEREBY CERTIFY that the undersigned attorneys are appearing *pro hac vice* in this matter pursuant to court order dated July 10, 2008 [D.E. 1360, 1362, 1363 in Ch. 11 No. 08-10928]

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 25, 2010, I caused the foregoing document to be electronically filed via CM/ECF and served via the Court's Notice of Electronic Filing, via e-mail or via first class mail to the parties named on the attached service list.

/s/ Patricia A. Redmond

Patricia A. Redmond

OCUC of TOUSA, Inc., et al. v. Tannenbaum Multi-Strategy Master Fund
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Marathon Financing I, B.V. [dismissed 02/25/2010]

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